

Effective Date: September 15, 2004

GALLUP POLICE DEPARTMENT

MISSION STATEMENT

**THE PRIMARY MISSION** - The Primary Mission of the Gallup Police Department (GPD) includes the protection of life and property; resolution of conflict; creating and maintaining a feeling of security in the community; pro-actively reducing the opportunities for the commission of crime; identification, apprehension and prosecution of offenders of the laws; and the preservation of peace. We accept as part of our mission the responsibility to provide for a quality of life in our community.

**PHILOSOPHY** - Our Department embraces, accepts and agrees to abide by the full meaning of the Law Enforcement Code of Ethics. Our decisions are based on statutory laws, our own policies and regulations, and consideration for fairness and equality in the application of laws. We are committed to professional behavior, honesty in all of our professional and personal dealings, and the continuous improvement of ourselves and the services we provide. We take extra-ordinary care to treat the public with fairness, dignity and respect, while protecting ourselves from harm and providing for our and their personal safety.

Gallup Police Department  
\* Rules and Procedures \*

---

Effective Date: September 15, 2004

**OUR CUSTOMERS** - The public we serve are the customers for the service we provide. As with any business, we value and respect the needs of our customers and continuously strive to provide them public safety services in an effective, efficient and timely manner.

**OUR PERSONNEL** - The GPD places as much importance and concern in the fair treatment of our personnel as we do in the treatment of the community which we serve. It is the Department's responsibility to insure our personnel are treated with dignity, respect and fairness. The leadership of the Department, and all other members of the Department, recognize our responsibility to facilitate open and honest discussion; to respect the needs and opinions of others; and to provide for the intellectual and professional growth of our members through training and education. Our treatment of each other must be on par with our treatment of the community.

**SELF-IMAGE** - We are a public service agency staffed by professionals. Our presence in the community helps provide a sense of safety and well being for our customers. Our conduct earns us respect and admiration by the law-abiding and the law violators.

**CONCERN FOR THE COMMUNITY** - While maintaining a high visibility, we accept our responsibility to be a part of the community's pride and trust; to anticipate and serve the safety needs of our customers; and to be an interactive part of our community and its organizations. We must always strive to be seen as a part of our community, rather than apart from our community.



Gallup Police Department  
\* Rules and Procedures \*

Effective Date: November 15, 2004

GALLUP POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES MANUAL

The control number check-off sheet is designed to assist personnel in maintaining a current Standard Operating Procedures Manual. Each revision to this manual will have a control number affixed to it. Personnel will, upon receiving a revision, replace the old revision sheet with the new revision sheet.

2004 CONTROL NUMBERS

Control #	Effective Date	Section	Effected Area
04-001	11/15/04	Introduction	Index
04-002	11/15/04	Control Sheets	IV, V
04-003	11/15/04	Index	Letters T thru V
04-004	11/15/04	100.02	Section B
04-005	11/15/04	112.00	Entire Section
04-006	11/15/04	200.00	Section Index
04-007	11/15/04	206.05	Section A
04-008	11/15/04	209.03	Section B
04-009	11/15/04	219.01	Section A
04-010	11/15/04	229.01	Section B
04-011	11/15/04	230.00	New Section
04-012	11/15/04	236.03	Section E
04-013	11/15/04	236.05	Section F
04-014	11/15/04	236.11	Sections A,B
04-015	11/15/04	236.13	Entire Section
04-016	11/15/04	236.15	Section A
04-017	11/15/04	236.17	Section A
04-018	11/15/04	239.00	Entire Section
04-019	11/15/04	243.02	Section A-3
04-020	11/15/04	246.01	Section A

Gallup Police Department  
\* Rules and Procedures \*

Effective Date: November 15, 2004

GALLUP POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES MANUAL

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2004 CONTROL NUMBERS

Control #	Effective Date	Section	Effectuated Area
04-021	11/15/04	300.06	Entire Section
04-022	11/15/04	301.00	Definitions
04-023	11/15/04	303.05	Section A
04-024	11/15/04	305.03	Section B
04-025	11/15/04	311.02	Section E
04-026	11/15/04	313.04	Section B
04-027	11/15/04	313.18	Section D
04-028	11/15/04	316.01	Section C
04-029	11/15/04	329.00	Entire Section
	12/19/06	22901B	REPRIMANDS

Gallup Police Department  
\* Rules and Procedures \*

Effective December 19 2006

GALLUP POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES MANUAL

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2006 Control Numbers

Control #	Effective Date	Section	Effectuated Area
006-01	09/28/06	221.02	Line #3
006-02	10/12/06	224.00	Line #26
006-03	12/19/06	224.01(B)	Line #27
006-04	10/12/06	230.00	New Section
006-05	10/12/06	243.00	Revised Section
006-06	10/12/06	302.00	Post Incident Review Form

Gallup Police Department  
\* Rules and Procedures \*

Effective January 20, 2007

GALLUP POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES MANUAL

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2007 Control Numbers

Control #	Effective Date	Section	Effectuated Area
007-01	01/03/07	217.00	New Policy
007-02	01/08/07	314.01(A)	Use of Taser
007-03	02/20/07	310.00	New Policy

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 2, 2007

GALLUP POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES MANUAL

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2007 CONTROL NUMBERS

Control #	Effective Date	Section	Effected Area
07-004	04/02/07	Chain of Command	
07-005	04/02/07	309.00	Entire Section
07-006	04/02/07	340.01	Section F
07-007	04/02/07	111.00	Entire Section
07-008	04/02/07	246.09	Section B (new)
07-009	04/02/07	100.00	Section K (new)
07-010	04/02/07	113.01	Section K, L, M, N, O (new)
07-011	04/02/07	317.01	Section B and N (new)
07-012	04/02/07	220.03	Section F (new)
07-013	04/02/07	347.00	Entire Section
07-014	04/02/07	221.00	Entire Section
07-015	04/02/07	243.00	Entire Section

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 16, 2007

GALLUP POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES MANUAL

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2007 CONTROL NUMBERS

Control #	Effective Date	Section	Effected Area
07-016	04/16/07	218.00	Entire Section
07-017	04/16/07	315.00	Entire Section
07-018	04/16/07	317.01	Entire Section after O
07-019	04/16/07	341.00	Entire Section

Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 1, 2007

GALLUP POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES MANUAL

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2007 CONTROL NUMBERS

Control #	Effective Date	Section	Effected Area
07-023	05/01/07	227.00	New Section
07-024	05/01/07	330.00	Entire Section
07-025	05/01/07	334.00	New Section
07-026	05/01/07	335.00	New Section



Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 24, 2007

GALLUP POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES MANUAL

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2007 CONTROL NUMBERS

Control #	Effective Date	Section	Effectuated Area
07-027	05/24/07	215.00	New Section
07-028	04/24/07	313.05	Sections 313.05 to 331.25
07-029	05/24/07	319.00	New Section
07-030	05/24/07	337.00	New Section

Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 29, 2007

GALLUP POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES MANUAL

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2007 CONTROL NUMBERS

Control #	Effective Date	Section	Effected Area
07-031	05/29/07	216.00	New Sections 216.02-05
07-032	05/29/07	304.00	Entire Section
07-033	05/29/07	312.00	New Section
07-034	05/29/07	345.00	New Section

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

GALLUP POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES MANUAL

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2007 CONTROL NUMBERS

Control #	Effective Date	Section	Effectuated Area
07-035	06/12/07	100.00	Table of Contents
07-036	06/12/07	100.02	Entire Section
07-037	06/12/07	100.03	Section 9-12
07-038	06/12/07	106.00	Entire Section
07-039	06/12/07	114.00	New Section
07-040	06/12/07	200.00	Table of Contents
07-041	06/12/07	226.00	Entire Section
07-042	06/12/07	247.00	Entire Section
07-043	06/12/07	300.00	Table of Contents
07-044	06/12/07	301.02	Section F (deleted)
07-045	06/12/07	306.00	New Section
07-046	06/12/07	317.01	Section K-S
07-047	06/12/07	334.02	Section A 1-6
07-048	06/12/07	334.06	New Sub-section

Gallup Police Department  
\* Rules and Procedures \*

Effective date: July 3, 2007

GALLUP POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES MANUAL

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2007 CONTROL NUMBERS

Control #	Effective Date	Section	Effectuated Area
07-049	07/03/07	307.00	New Sections
07-050	07/03/07	317.01	Section D and E(1)
07-051	07/03/07	321.00	Entire Section

Effective Date: September 15, 2004

## STANDARD OPERATING PROCEDURES MANUALS

In order to fulfill the Departments mission, it is necessary to create and maintain a system through which the Gallup Police Department can be effectively directed and controlled. This does not imply a disregard for the rights or abilities of the individual, but rather a structuring of the human efforts concerned with carrying out the activities of the Department. As part of the overall training process, written direction must be provided to all personnel to guide and direct them in the performance of their duties. Use of the masculine gender in this manual also includes, where applicable, the female gender.

## AUTHORITY OF DEPARTMENT MANUALS

The Department manuals, to be hereafter referred to as Standard Operating Procedures, are compiled, adopted, and published on the authority of the Chief of Police of the City of Gallup, for information, guidance, government, discipline, and administration of the Police Department and its personnel. Department policy, rules, and procedures may be updated by special orders or formal training which may not be currently reflected in these manuals. Any violations of the provisions or intent of these manuals may result in disciplinary charges against personnel responsible for such violations. The Department recognizes the fact that situations will occasionally arise which may mitigate such violations. Evidence of such mitigating circumstances may be considered on an individual basis when assessing the conduct of personnel of this Department.

These manuals are intended only to regulate the conduct of personnel of this Department and are not intended to create any higher standard of care than that required by State of New Mexico Law for purposes of establishing civil liability on the part of the City, the Department, or personnel of this Department.

The Standard Operations Manual has been established as a result of organizational policies, which are the official guides to this Department's organization and operations. The Administration Section is responsible for the publication and revision of the Department's Standard Operating Procedures manuals. All personnel of the Department will be issued a copy of the appropriate manual and any revisions to the manual, as they become effective.

These manuals supplement the City's Labor and Personnel Ordinance(s), and Collective Bargaining Agreements. Whenever and wherever there is a conflict, the Collective Bargaining Agreements take precedence over these manuals.



Effective Date: September 15, 2004

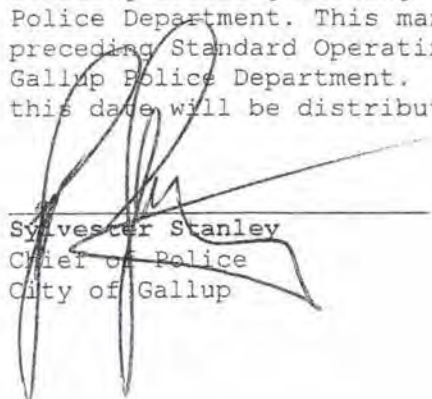
#### RESPONSIBILITY OF ALL DEPARTMENT PERSONNEL

It shall be the duty of all personnel to familiarize themselves with the contents of these manuals and conduct themselves in accordance with their precepts. Ignorance or misunderstanding of any of the provisions of the manuals will not be accepted as a defense against disciplinary charges.

The duties of each activity shall be made known to all throughout this organization. Lines of command are shown on the organizational chart and make it possible for anyone in this organization to contact the proper authority for action or decision on any problem.

#### AUTHORITY

By the authority vested in me as the Chief of Police of the City of Gallup, State of New Mexico, I hereby prescribe and adopt the following as the Standard Operating Procedures Manual of the Gallup Police Department. This Manual shall be considered as standing orders governing the actions of all personnel of the Police Department. This manual shall replace and supersede all preceding Standard Operating Procedures Manual issued by the Gallup Police Department. Revisions and new policies issued after this date will be distributed in an expedient manner.



Sylvester Stanley  
Chief of Police  
City of Gallup

Effective Date: September 15, 2004

POLICE OFFICERS BILL OF RIGHTS

It Is The Policy Of This Department To Abide By The State Of New Mexico Peace Officer's Employer - Employee Relations Act 29-14-1 To 29-14-11 NMSA 1978. In Accordance With This Statute, "Peace Officer" Or "Officer" Means Any Employee Of A Police Department That Is Part Of/Or Administered By The State Or Any Political Subdivision Of The State Who Is Responsible For The Prevention And Detection Of Crime And The Enforcement Of The Penal, Traffic Or Highway Laws Of The State.



Effective Date: September 15, 2004

### LAW ENFORCEMENT CODE OF ETHICS

The Gallup Police Department has adopted the Canon of Ethics or Law Enforcement Code of Ethics published by the International Association of Chiefs of Police. All sworn officers of this Department shall abide by this Code of Ethics.

### LAW ENFORCEMENT CODE OF ETHICS

A Police Officer acts as an official representative of government who is required and trusted to work within the law. The Officer's powers and duties are conferred by statute. The fundamental duties of Police Officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace; and ensuring the rights of all to liberty, equality and justice.

A Police Officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, gender, race, creed religion, disability, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity.

Police Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, Police Officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

A Police Officer will use responsibly the discretion vested in the position and exercise it within the law. The principle of reasonableness will guide the Officer's determinations and the Officer will consider all surrounding circumstances in determining whether any legal action shall be taken.

Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest, which may be correct in appropriate circumstances, can be a more effective means of achieving a desired end.

A Police Officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is

Gallup Police Department

\* Rules and Procedures \*

Effective Date: September 15, 2004

occasionally unavoidable, every Police Officer will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

Whatever A Police Officer sees, hears or learns of, which is of a confidential nature, will be kept secret unless the performance of duty or legal provision requires otherwise.

Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

A Police Officer will not engage in acts of corruption or bribery, nor will an Officer condone such acts by others.

The public demands that the integrity of law enforcement officers be above reproach. Police Officers must, therefore, avoid conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Police Officers will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the Officer to refrain from performing official responsibilities honestly and within the law. Police Officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

Police Officers will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that Police Officers assist colleagues fully and completely with respect and consideration at all times.

Police Officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence. Through study and experience, an Officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

Police Officers will behave in a manner that does not bring discredit to their agency or themselves. Their character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she serves. The Officer's personal behavior must be beyond reproach.

Effective Date: September 15, 2004

INDEX

A

ABANDONED VEHICLE, 311.00  
ACCIDENTS, 234.00, 308.00  
ACTION, 313.00  
ADMINISTRATIVE ORDER, 200.00  
ADVANCED TRAINING, 218.00  
ALCOHOLIC BEVERAGES, 109.00  
ALERT TONE, 309.00  
ALPHABET (PHONETIC), 309.00  
AMBULANCE SERVICE, 318.00  
AMMUNITION, 246.00  
ANALYSIS FOR ILLEGAL DRUG USE, 228.00  
ARMED-BARRICADED SUBJECT, 328.00  
ARRESTS, 106.00, 305.00, 313.00  
ASSIGNMENTS/TRANSFERS, 216.00  
ASSUME DUTIES, 100.00  
ATTITUDE, 109.00  
AUXILIARY WEAPONS, 246.00

B

BADGE, 106.00, 109.00, 236.00  
BARRICADED SUBJECT, 328.00  
BARRICADES/SIGNALS, 304.00  
BATON, 236.00, 314.00  
BEARDS, 237.00  
BOMB THREATS, 338.00  
BONDSMEN, 109.00  
BOOKING, 313.00, 316.00  
BRIBE, 109.00  
BUILDING SECURITY, 339.00  
BUSINESS TRIPS, 219.00

C

CALL BACK, 209.00  
CALL PRIORITY, 301.00, 309.00  
CAPTAIN, 100.00, 103.00, 104.00, 105.00  
CARE FACILITY RESIDENT ABUSE, 322.00  
CARE OF EQUIPMENT, 109.00, 206.00, 300.00  
CHAIN OF COMMAND, 100.00  
CHAPLAIN, 348.00  
CHIEF OF POLICE, 100.00  
CHIEF OF POLICE'S MORNING REPORT, 203.00  
CHIEF OF POLICE'S STAFF, 100.00  
CHILD ABDUCTION, 326.00  
CHIEF OF POLICE, 100.00  
CHIEF OF POLICE'S MORNING REPORT, 203.00  
CHIEF OF POLICE'S STAFF, 100.00  
CHILD ABUSE INVESTIGATION, 322.00

Effective Date: September 15, 2004

## C

CHILD CUSTODY ORDERS (SERVICE), 332.00  
CITATION PROCEDURES, 305.00  
CITIZEN BAND RADIO USE, 309.00  
CIVILIAN OF THE QUARTER, 240.00  
CIVILIAN RIDE ALONG PROCEDURES, 346.00  
CODE FOR RADIO COMMUNICATIONS, 309.00  
CODE OF CONDUCT, 109.00, 300.00, (PREFACE)  
CODES, RESPONSE, 301.00, 302.00  
COIN COLLECTIONS, 317.00  
COMMANDING OFFICERS, 103.00  
COMMUNICABLE DISEASES, 229.00  
COMMUNICATIONS, 309.00  
COMPENSATION, 109.00  
COMPETENCY, 109.00  
CONDUCT, 106.00, 109.00  
CONFIDENTIALITY, 109.00  
CONFLICTING ORDERS, 109.00  
CONSORTING, 109.00  
CONTAGIOUS DISEASE, 229.00  
CONTAMINATED CLOTHING, 229.00  
CONTRABAND, SUBMISSION OF, 317.00  
COOPERATION, 109.00  
CORRESPONDENCE, 202.00  
CITY BUSINESS TRIPS, 219.00  
COURT, (ATTIRE/DEMEANOR), 239.00  
COURTESY, 109.00  
CRIME SCENE PROCEDURES, 320.00  
CRIMINAL INVESTIGATIONS DIVISION, 100.00  
CRITICISM, 109.00

## D

DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL/DRUGS, 329.00  
DEADLY FORCE, 302.00, 314.00, 324.00  
DEALING, DEAF/SPEECH IMPAIRED, 336.00  
DEATH, MEMBERS & EMPLOYEES, 235.00  
DEPARTMENT DIRECTIVE AUTHORITY, 200.00  
DEPARTMENT EQUIPMENT, 109.00, 206.00, 236.00  
DEPARTMENT MEMORANDA, 200.00  
DEPARTMENT PERSONNEL ORDER, 200.00  
DEPARTMENT PROPERTY, 206.00, 236.00  
DEPARTMENT SPECIAL ORDER, 200.00, 202.00  
DEPARTMENT STANDARD OPERATING PROCEDURES (SOP), 200.00  
DESTRUCTION OF INJURED ANIMALS, 343.00  
DETONATED DEVICES, 338.00  
DISCIPLINARY PROCEDURES, 224.00, 225.00, 226.00  
DISCIPLINE, 224.00  
DISCRIMINATION, 105.00, 233.00  
DISPATCH, RADIO, 309.00  
DIVISION MEMORANDA, 200.00, 201.00, 202.00  
DIVISION SPECIAL ORDER, 200.00, 201.00, 202.00  
DIVISION STANDARD OPERATING PROCEDURES, 200.00, 201.00, 202.00

## D

Gallup Police Department  
\* Rules and Procedures \*

Effective Date: September 15, 2004

DOMESTIC VIOLENCE, 340.00  
DRESS STANDARDS, 236.00, 237.00  
DRIVERS LICENSE, 109.00, 325.00  
DRUG ANALYSIS, 228.00  
DRUG AND ALCOHOL TESTING, 228.00  
DUTIES AND RESPONSIBILITIES, 103.00, 104.00, 105.00, 106.00  
DUTIES, 103.00, 104.00, 105.00, 106.00  
DUTY ASSIGNMENTS, 216.00

E

EFFICIENCY, 109.00  
EMERGENCY, 300.00, 301.00, 318.00, 338.00, 339.00  
EMPLOYEE, 100.00  
ENFORCEMENT (SPEED, TRAFFIC), 305.00  
E.E.O. COORDINATOR, 233.00  
EQUIPMENT, 109.00, 206.00, 236.00, 246.00, 300.00, 314.00  
EVALUATIONS, 220.00  
EVIDENCE, 317.00  
EXECUTION OF SEARCH WARRANTS, 321.00  
EXPANDABLE BATON, 314.00  
EXPLOSIVES, 308.00, 338.00

F

FIELD SERVICES BUREAU, 100.00  
FIELD TRAINING OFFICER, 347.00  
FIREARMS, 106.00, 239.00, 246.00, 314.00, 316.00  
FIRST AID, 318.00, 320.00  
FISCAL MANAGEMENT, 205.00  
FITNESS FOR DUTY, 109.00  
FORCE, 302.00, 303.00, 314.00  
FORMS CONTROL, 201.00  
FORWARDING INFORMATION, 202.00  
FOUND PROPERTY, 317.00

G

GAMBLING, 109.00  
GRATUITIES, 109.00  
GROOMING STANDARDS, 237.00  
GUNS, 246.00

H

HAIR STYLE, 237.00  
HARASSMENT, 233.00  
HAZARDOUS MATERIALS, 308.00  
HEADGEAR, 236.00  
HOLSTERS, 236.00

H

Gallup Police Department  
\* Rules and Procedures \*

Effective Date: September 15, 2004

HONOR GUARD, 245.00  
HOSTAGES, 328.00

I

IDENTIFICATION, 106.00, 109.00, 206.00, 339.00  
ILLNESS, 109.00, 207.00  
IMPARTIALITY, 109.00  
INATTENTION TO DUTY, 109.00  
INJURY, 234.00  
IN-SERVICE TRAINING, 218.00  
INTER-AGENCY COOPERATION, 249.00  
INTERFERING, 109.00  
INTERNAL AFFAIRS, 109.00, 226.00, 324.00  
INTOXICATED, 109.00  
INVENTORIES, 206.00  
INVESTIGATIVE PROCEDURES FOR CHILDREN/CARE FACILITY RESIDENTS,  
322.00

J

JURISDICTION, 344.00  
JUVENILES, 342.00

K

K-9, 330.00

L

LANGUAGE, 109.00  
LEATHER GEAR, 236.00  
LEAVE REQUESTS, 207.00  
LIEUTENANT, 100.00, 103.00, 104.00, 105.00  
LIGHT DUTY, 208.00  
LINE OF DUTY DEATH, 235.00  
LIQUOR, 109.00

M

MACE, 236.00, 314.00  
MEAL BREAKS, 211.00  
MEDICINES, 109.00  
MEMORANDA, 200.00, 201.00, 202.00  
MENTAL HEALTH / PROTECTIVE CUSTODY, 313.00  
MISSING PERSONS / JUVENILES, 342.00  
MORNING REPORT, 203.00  
MUTUAL AID, 344.00

N



Gallup Police Department  
\* Rules and Procedures \*

Effective Date: September 15, 2004

NARCOTICS, 109.00  
NEGLECT OF DUTY, 109.00  
NEWS MEDIA, 111.00

O

OBEDIENCE, 109.00  
OFFICERS DUTIES, 103.00, 104.00, 105.00, 106.00  
ORDER OF RANK, 100.00  
ORDERS, 109.00, 200.00  
ORGANIZATION, 100.00  
OTHER AGENCY LIAISON, 249.00  
OUTSIDE EMPLOYMENT, 109.00  
OVERTIME, 209.00

P

PATCHES, 236.00  
PATROL CARS, 300.00, 301.00  
PER DIEM, 219.00  
PERFORMANCE APPRAISALS, 220.00  
PERFORMANCE UNSATISFACTORY, 109.00, 220.00  
PERSONAL BUSINESS, 109.00  
PERSONAL EQUIPMENT, 206.00  
PERSONNEL, 109.00, 200.00, 220.00, 234.00  
PHONETIC ALPHABET, 309.00  
PLANNING SECTION, 214.00  
POLICE OFFICER BILL OF RIGHTS, (INTRODUCTION)  
POLITICAL ACTIVITY, 109.00  
POOL VEHICLES, 300.00  
POSITIONS, RANK, 100.00  
PRESCRIPTIONS, 109.00, 228.00  
PRISONERS (TRANSPORT), 315.00  
PROFESSIONAL CONDUCT, 109.00  
PROMOTIONS, 221.00  
PROPERTY / PROCUREMENT SECTION, 100.00  
PROPERTY, 206.00, 236.00  
PROTECTIVE CUSTODY, 313.00  
PSYCHOLOGICAL SERVICES, 232.00  
PUBLIC INFORMATION OFFICER, 111.00  
PURSUIT DRIVING, 301.00, 302.00

Q

QUALIFICATIONS (RANGE), 246.00

R

RADAR, 305.00  
RADIO, 309.00  
RANGE, 246.00  
RANKS, 100.00, 103.00, 104.00, 105.00, 106.00

R



Gallup Police Department  
\* Rules and Procedures \*

Effective Date: September 15, 2004

RAPE KITS, 317.00, 322.00  
RECORDING CONVERSATIONS, 248.00  
RECORDS, 226.00  
RECRUITMENT, 243.00  
REIMBURSEMENT FOR TRAVEL, 219.00  
RELEASE OF INFORMATION, 109.00, 111.00, 203.00  
RELIEVED OF DUTY, 225.00  
REPOSSESSIONS (KEEPING THE PEACE), 109.00  
REPRIMANDS, 224.00  
RESERVES, 108.00  
RESPONSE CODES, 301.00, 302.00  
RETIREMENT, 222.00  
RIDE-ALONGS, 346.00  
ROAD BLOCKS, 303.00  
ROAD WAY SERVICES, 304.00  
RUNAWAYS, 342.00

S

SEARCH AND SEIZURE, 321.00  
SEARCH WARRANT PROCEDURES, 321.00  
SEAT BELTS, 300.00  
SECTIONS, 100.00  
SECURITY, (BUILDING), 339.00  
SELECTION, 243.00  
SENIORITY, 207.00  
SERGEANT (DUTIES), 104.00, 105.00, 106.00  
SERVICE OF CHILD CUSTODY ORDERS, 332.00  
SERVICE OF FAMILY PROTECTION ORDERS (SVOs), 331.00, 340.00  
SERVICING VEHICLES, 300.00  
SEXUAL HARASSMENT, 233.00  
SHOOTING POLICY, 324.00  
SHOTGUNS, 246.00  
SMOKING, 109.00  
SOLICITING, 109.00  
SPECIAL ORDERS, 200.00  
SPEED LAWS; ENFORCEMENT, 305.00  
STANDARD OPERATING PROCEDURES, (INTRODUCTION), 200.00  
STANDBY PAY, 210.00  
SUBPOENAS, 239.00  
SUPERIOR OFFICERS, 105.00  
SUPERVISORS, 100.00, 103.00, 104.00, 105.00  
SUPPORT SERVICES BUREAU, 100.00  
SUSPENSIONS, 224.00  
SWORN OFFICERS DUTIES, 100.00, 103.00, 104.00, 105.00

T

TAKE HOME VEHICLES, 300.00, 301.00  
TAPE RECORDINGS, 248.00  
TELEPHONE NUMBER, 109.00  
TEN CODES, 309.00

T

Gallup Police Department  
\* Rules and Procedures \*

Effective Date: November 15, 2004

T

TOBACCO, 109.00  
TOWING, 311.00  
TRAFFIC CITATION PROCEDURES, 305.00  
TRAFFIC ENFORCEMENT, 305.00  
TRAFFIC HAZARDS, 304.00  
TRAINING, 218.00  
TRAINING / RECRUITING SECTION, 100.00  
TRANSFERS, 216.00  
TRANSPORTATION OF PRISONERS / PERSONS, 315.00  
TRAVEL, 219.00  
TRUTHFULNESS, 109.00

U

UNDERCOVER LICENSE / IDENTIFICATION, 325.00  
DEPUTY CHIEF OF POLICE, 100.00  
UNIFORMS, 236.00  
UNSATISFACTORY APPRAISALS, 220.00  
USE OF;  
    ALCOHOLIC BEVERAGES, 109.00  
    BADGE, 109.00  
    FORCE, 314.00  
    LIQUOR, 109.00  
    MEDICINES, 109.00  
    NARCOTICS, 109.00, 228.00  
    RADAR, 305.00  
    TAPE RECORDERS, 248.00  
    TOBACCO, 109.00

V

VACANCIES, 216.00  
VEHICLE MAINTENANCE, 300.00  
VEHICLE;  
    ALTERING EQUIPMENT, 300.00  
    ABANDONED, 311.00  
    ACCIDENT, 234.00  
    OPERATIONS, 301.00  
    PATROL, 301.00  
    POOL, 300.00  
    PURSUITS, 302.00  
    REPAIRS, 300.00  
    SERVICING, 300.00  
    TOWING, 311.00  
VERBAL REPRIMANDS, 224.00  
VICTIM / WITNESS ASSISTANCE, 341.00  
VIDEO IN CAR, 230.00  
VIOLENT CRIMES, 302.00, 323.00  
VOLUNTEER STATUS OF POLICE OFFICERS, 109.00

Gallup Police Department  
\* Rules and Procedures \*

---

Effective Date: September 15, 2004

W

WARRANTS, 321.00  
WATCH COMMANDER DUTIES, 103.00, 104.00  
WEAPONS, 246.00  
WITNESS FEES, 209.00  
WITNESS/VICTIM ASSISTANCE, 341.00  
WRECKER SERVICES, 311.00  
WRITTEN REPRIMANDS, 224.00

Gallup Police Department  
\* Rules and Procedures \*

---

Effective date: June 12, 2007

SECTION I

ORGANIZATION - DUTIES AND RESPONSIBILITIES

TABLE OF CONTENTS

100.00	CHAIN OF COMMAND / ORDER OF RANK
101.00	RESERVED
102.00	RESERVED
103.00	COMMANDING OFFICERS DUTIES AND RESPONSIBILITIES
104.00	SUPERVISORS DUTIES AND RESPONSIBILITIES
105.00	SUPERIOR OFFICERS DUTIES AND RESPONSIBILITIES
106.00	POLICE OFFICERS DUTIES AND RESPONSIBILITIES
107.00	CRIME PREVENTION AND COMMUNITY REALTIONS
108.00	CRIME ANALYSIS
109.00	PERSONNEL, CODE OF CONDUCT
110.00	NOTIFICATION OF INJURY OR DEATH
111.00	PUBLIC INFORMATION
112.00	COURT SERVICES
113.00	EVIDENCE UNIT
114.00	RESERVE OFFICERS

Gallup Police Department  
\* Rules and Procedures \*

Effective Date: September 15, 2004

100.00

**CHAIN OF COMMAND**

All official communications, whether moving downward or upward, shall be confined to official channels. Each link in the chain of command shall be respected. It is the responsibility of each echelon to forward communications to the next higher echelon with his approval, disapproval, or recommendation.

**RULES AND PROCEDURES:**

100.01      **ORDER OF RANK - CHAIN OF COMMAND**

- A. Chief of Police: is hired by and reports to the City Manager. The Chief of Police, under the guidelines of the State Constitution, statutes, and City ordinances will provide leadership, deploy manpower, and provide direction for the efficient operation of the Department.

The Chief is given the authority to create, implement, and administer Department policies, procedures, rules, and regulations to govern the conduct and activities of all department personnel. The Chief may assign or transfer any member of the Department when such action is deemed to be in the best interest of the Department. The Chief may, in accordance with City procedures, reprimand, suspend, demote, or dismiss any member for violating any provisions of the Standard Operating Procedure manuals, and State, Federal, or local laws and ordinances.

- B. The Deputy Chief of Police is appointed by the Chief of Police. He is second in command of the Department and is responsible for the supervision, planning, controlling, and coordination of the operational responsibilities of the Department. He shall assume the duties of the Chief of Police, when required.

- C. Captain: is assigned or appointed to this rank by the Chief of Police. He reports to the Deputy Chief and is responsible for a Bureau within the Department.

Captains shall continuously monitor the budget that funds their Bureau. The Captains shall ensure that spending is maintained within the restraints of the budgets funding. When a line item within the budget appears to be in excess, a review shall be conducted by the Captain to determine the cause of the excess and recommendations for bringing the spending within budget shall be forwarded in writing to the Deputy Chief of Police.

Captains will at the direction of the Deputy Chief prepare a preliminary budget for their Bureau. This preliminary budget will project expenditures for the Bureau for the upcoming budget cycle. These recommendations will be forwarded to the Chief of Police for review and possible inclusion in the Department's overall budget requests.

Gallup Police Department

\* Rules and Procedures \*

Effective Date: September 15, 2004

- D. Lieutenant: is promoted by the Chief of Police to this rank from a valid promotion list of Officers holding the rank of Sergeant. Upon satisfactory completion of a one year probationary period the rank shall be considered permanent. He may supervise a Division/Area, Section, or Watch.
- E. Sergeant: is promoted by the Chief of Police to this rank from a list of officers holding the rank of Patrolman First Class for a minimum of two years. Upon satisfactory completion of a one year probationary period the rank shall be considered permanent. He is a superior officer who may supervise subordinate sworn and non-sworn personnel.
- F. Police Officer:
- Patrolman First Class is promoted by the Chief of Police to this rank after completing five years as a non-probationary officer.
- Patrolman Second Class is an Officer who has successfully completed their Cadet probation but has under five years of experience.
- Cadet is a probationary member who is assigned to the law enforcement/training academy or to field duty prior to appointment to Patrolman Second Class.
- G. Employees are all other personnel working in a non-sworn capacity.
- H. Should the Chief of Police become incapacitated through illness, injury, death, or should be absent from City of Gallup, without having designated a representative to command the Department, the following order of succession shall be maintained:
1. Deputy Chief of Police
  2. Commander - Field Services Bureau
  3. Commander - Support Services Bureau
- I. Unless otherwise directed the Departments chain of command will be as follows:
1. Chief of Police
  2. Deputy Chief of Police
  3. Bureau Commanders
  4. Lieutenants
  5. Sergeants
- J. Unless otherwise directed the above chain of command shall be followed at all times. Failure to do so will be considered a violation of Department policy and members or employees not following the chain of command will be subject to disciplinary action.

**Gallup Police Department**  
**\* Rules and Procedures \***

**Effective date: April 2, 2007**

**221.00**

**PROMOTIONS**

This Department shall provide a career development path for all personnel, in order to promote, develop, and improve knowledge, skills, and abilities so that personnel are more qualified for specialized positions and promotions.

The Administration is committed to ensuring that Departmental personnel have equal access to training and development opportunities.

**RULES AND PROCEDURES:**

**221.01            PERMANENT POSITIONS**

- A. The Chief of Police shall promote or select Department personnel according to the provisions and guidelines of applicable City ordinances and collective bargaining agreements.
- B. Upon promotion to any supervisory position, personnel being promoted will receive training as required so as to perform the necessary supervisory, managerial and administrative duties as assigned. Such training will commence within ninety days of promotion.
  - 1. Training will be directly related to level of responsibility and assignment. Training will be provided when possible prior to assuming new duties. When training prior to assignment is not possible efforts to provide In-Service training will be made to ensure that the promoted employee will have sufficient knowledge to assume their new duties. Formal training will be initiated at the first available time period.

**221.02            TEMPORARY PROMOTION**

- A. The Chief of Police shall promote sworn personnel holding the permanent ranks of Officer First Class, Sergeant, and Lieutenant to the next higher rank on a temporary basis as follows:
  - 1. The temporary promotion is made only to fill the vacancy of a person holding a permanent rank.
  - 2. Selection of the personnel will be accomplished by the Chief of Police, or his designee.
  - 3. The temporary promotion will not exceed six (6) months in duration.
  - 4. No temporary promotion will be made to fill a vacancy of five (5) working days, or less.
  - 5. The effective date of the promotion shall be the date on which the duties were assigned.
  - 6. All applicable City forms will be completed and approved.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 2, 2007

- K. Personnel will practice "Unity of Command," whenever possible, in all organizational components of the department. The concept of unity of command states:
1. Every employee should be accountable to only one supervisor.
  2. Only one person should be in command of any operation or incident.
  3. Each organizational component is under the direct command of only one supervisor.
  4. In cases of emergency, a supervisor is not relieved of the responsibility to act, even though a subordinate or incident is not under the supervisor's direct command.
- L. Members or employees may report incidents of grave misconduct, criminal activity, or discriminatory or harassing workplace behavior directly to the Chief of Police without fear of disciplinary action.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

100.02      **FIELD SERVICES BUREAU**

A. The Field Services Bureau is comprised of Administrative Staff; four patrol shifts and specialized sections.

1. **Administrative staff:** Is responsible for the record keeping functions of the Division to include: daily assignment logs; monthly activity reports; message processing; and additional duties as assigned.
2. **Shift-I:** General hours of operation are from 0800 hours to 2000 hours and is commonly referred to as Day shift. Law enforcement services are provided during this time in all three area commands.
3. **Shift-II:** General hours of operation are from 2000 hours to 0800 hours and are commonly referred to as Night shift. Law enforcement services are provided during this time in all three area commands.
4. **Shift-III:** General hours of operation are from 0800 hours to 2000 hours and are commonly referred to as Day shift. Law enforcement services are provided during this time in all three area commands.
5. **Shift-IV:** General hours of operation are from 2000 hours to 0800 hours and are commonly referred to as Night shift. Law enforcement services are provided during this time in all three area commands.

B. The following specialized sections are responsible to Field Services Bureau Commander:

1. **DWI Unit:** Shall be responsible to enforce traffic laws, detect and apprehend intoxicated or impaired drivers. The Bureau Commander will determine manning and duty hours for this unit.
2. **Protective Custody Unit:** Shall be responsible for locating citizens in need of protective custody and transporting those citizens to the detention center, medical facilities, or other locations designated as safe haven for those who cannot care for themselves. The Bureau Commander will determine manning and duty hours for the unit.
3. **Crossing Guards:** Shall be responsible for the safety of school children and other persons in school zones during periods of operation, and other duties as assigned.
4. **D.A.R.E. /G.R.E.A.T.:** Shall be responsible for instructing the programs to youths of the community.
5. **School Resource Unit:** Shall be responsible for school related duties and activities.

Gallup Police Department

\* Rules and Procedures \*

Effective date: June 12, 2007

9. **Purchasing:** Make purchases of supplies and equipment needed for the operation of the Department.
10. **Payroll:** Complete all accounting functions for the processing of all payroll records.
11. **Personnel:** Process and maintain all personnel records of Department employees.
12. **Fleet Maintenance:** Is responsible for the fleet and communications maintenance functions, and other duties as assigned by the Division Commander.
13. **Community Liaison:** maintain liaison between the police department and the community.
14. **Crime Prevention Analysis:** Is responsible for recording and tracking crime data which may be useful to the Department.
15. **Accreditation:** maintains compliance with accreditation standards as set by the Municipal League.

Effective date: September 15, 2004

7. **Community Relations / Media PIO:** Shall be responsible for acting as a liaison with community groups interesting in the operations of the Department or the betterment of their neighborhoods. Shall also be responsible for interacting with the media when they elect to cover events or investigations relating to the Department.

100.03            **SUPPORT SERVICES BUREAU**

- A. The Criminal Investigations Division is comprised of Administrative staff and investigators.
  1. **Administrative staff:** Is responsible for the record keeping function of the Division to include: daily assignment logs; monthly activity reports; case files; and additional duties as assigned.
  2. **Investigators:** Are responsible for the investigation of all felony crimes that provide sufficient leads for follow-up investigation, and the investigation of those misdemeanor crimes that the Division Commander feels merit further investigative action. Investigators may be placed into specialized roles for the purpose of developing expertise in a specific category, but they may be assigned cases of any nature at the discretion of the Division Commander.
- B. The Support Services Bureau is comprised of the following functions and staff.
  1. **Administrative staff:** Is responsible for record keeping functions to include: daily assignment logs, monthly activity reports, receipt and distribution of incoming and outgoing documents, docketing, financial and cash transactions, and additional duties as assigned.
  2. **Training/Recruiting:** Is responsible for recruit and in-service training, preparation and production of audio/visual aids and other duties as assigned by the Bureau Commander.
  3. **Range/Armory:** Is responsible for all training and maintenance for Departmental weapons, and other duties as assigned by the Division Commander.
  4. **Evidence:** Is responsible for the inventory, control and disposal of all evidence contraband, found items seized by Department personnel, and other duties as assigned by the Division Commander.
  5. **E.E.O.:** Is responsible to investigate all internal complaints of discrimination or sexual harassment, and to provide requested information to City E.E.O. Officer when requested.
  6. **Contracts:** Develop and maintain contracts which are required by this Department to carry out the law enforcement function.
  7. **Supplies and Inventory:** Procurement and inventory of Departmental property and equipment.
  8. **Budget and Finance:** Compile, maintain, track, and analyze expenditures and funds for the established Department budget.

Gallup Police Department  
\* Rules and Regulations \*

---

Effective date: September 15, 2004

9. **Purchasing:** Make purchases of supplies and equipment needed for the operation of the Department.
10. **Payroll:** Complete all accounting functions for the processing of all payroll records.
11. **Personnel:** Process and maintain all personnel records of Department employees.
12. **Fleet Maintenance:** Is responsible for the fleet and communications maintenance functions, and other duties as assigned by the Division Commander.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

103.00

**COMMANDING OFFICERS DUTIES AND RESPONSIBILITIES**

The Department shall delegate authority and responsibility to a Commanding Officer for the efficient and effective operation of a Section, Division or Bureau.

**DEFINITIONS:**

**COMMANDING OFFICER**

A commanding officer is a sworn officer, usually of the rank of Lieutenant or above, who has been delegated the authority and responsibility by the Chief of Police to direct the personnel of a particular Bureau, Division, Area, Section or Watch.

**RULES AND PROCEDURES:**

**103.01      COMMANDING OFFICER'S RESPONSIBILITIES**

- A. Commanding officers shall be in command of the Department. They shall be responsible for the efficient operations of the functions of the Department, including the personnel of Bureaus, Divisions and activities within the Divisions. They will assume the duties of the Chief of Police when required.
- B. The prompt service of all official notices, summonses, or subpoenas which may be sent to him by proper authority.
- C. Punctual attendance in court and for the proper preparation of and presentation of cases in court by personnel under his command. Shall assist subordinates in the preparation of their cases.
- D. Properly preparing, transmitting, and preserving all official records, reports, forms, and correspondence originating within or forwarded to his command, and ensuring that subordinates understand and comply with applicable directives.
- E. Assigning particular duties to persons within his command. Prescribing standard operating procedures for his command with approval of the Chief of Police. Keeping his superior informed of all pertinent information.

**103.02      COMMANDING OFFICER'S DUTIES**

- A. Establish the required details and assignments necessary to carry out the functions of the Department and of his command.
- B. Inspect or cause to be inspected all persons under his command at announced or unannounced times.
- C. Prepare or cause to be prepared ratings evaluations on the personnel under his command at such intervals as deemed necessary by the Chief of Police, Deputy Chief of Police, or Bureau Commander.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: August 5, 2009

- D. Identify training needs and coordinate the implementation of such training. Improve working conditions and morale.
- E. Recognize outstanding personnel performance and advance public relations programs.
- F. Ensure proper and economical use of Departmental and City property and equipment.
- G. Promote personal and fleet safety.
- H. A commanding officer will perform all other duties as assigned.

**103.03**      **VIOLATIONS OF DEPARTMENT POLICY**

- A. A commanding officer may relieve from duty, pending formal charges, any subordinate personnel, pursuant to the procedures described in this manual. He shall investigate or cause to be investigated all complaints and reports of any misconduct, incompetence, neglect of duty or any violation of Departmental policy on the part of anyone under his command.



Effective date: September 15, 2004

104.00

**SUPERVISORS DUTIES AND RESPONSIBILITIES**

The Department shall delegate authority and responsibility to supervisors for the proper direction, and efficiency of the personnel assigned to them.

**DEFINITIONS:**

**SUPERVISOR**

A supervisor is a superior officer or professional employee who supervises and directs the activities of personnel assigned to them.

**RULES AND PROCEDURES:**

**104.01      SUPERVISOR'S RESPONSIBILITIES**

- A. Promote coordination and cooperation among subordinates and develop long and short range goals for his assignment.
- B. Supervise and direct the activities of personnel assigned to his Command, Section, Unit, or Squad.

**104.02      SUPERVISOR'S DUTIES**

- A. Inspect work of subordinates for effectiveness in the performance of their duties.
- B. Instruct and advise subordinates in the performance of their duties.
- C. Brief, interpret, and enforce approved policies and plans, and act as a liaison in transmitting information from top to bottom and vice-versa.
- D. Establish, maintain and administer procedures necessary for the efficient operation of his assignment.
- E. Review and forward all reports and other documents prepared by subordinates.
- F. Evaluate the performance of the immediate subordinates and initiate commendations or disciplinary actions for subordinates, subject to review by higher authority.
- G. Whenever they will be absent for a long period of time, designate the most qualified member of their assignment as "in charge."
- H. Be responsible for maintaining work areas free from any defamatory or notorious writings or illustrations that tend to harass, intimidate, or annoy any person due to race, religion, political affiliation, national origin, life style, gender, color, or similar personal characteristics.

Gallup Police Department  
\* Rules and Regulations \*

---

Effective date: September 15, 2004

- I. Maintain a work force free from sexual harassment and intimidation. Sexual harassment is construed to be any form of deliberate, repeated, unsolicited verbal comments, questions, representations, or physical contact of a sexual nature which is, or may be, unwelcome to the recipient. Failure to comply with this policy will result in transfer to a less responsible position or employment termination.
- J. Will be responsible for the early detection of problem drinking on the part of any member or employee of his command. Identification of problem drinking on the part of any employee should lead to a prompt referral to the Chief of Police. Referrals to the Chief of Police should include proper documentation to be placed in the employees personnel file, and the proper documentation for disciplinary action should the supervisor deem action necessary. Any referrals for substance abuse treatment for the employee should be made in accordance with the City of Gallup's referral policy.

Effective date: September 15, 2004

105.00

**SUPERIOR OFFICERS DUTIES AND RESPONSIBILITIES**

The Department shall delegate authority and responsibility to a Superior Officer in order to maintain proper order, conduct, and discipline of their subordinates.

DEFINITIONS:

**SUPERIOR OFFICER**

Superior Officers are personnel of the rank of Sergeant or above.

RULES AND PROCEDURES:

105.01      **SUPERIOR OFFICER DUTIES AND RESPONSIBILITIES**

- A. Ensure the good order, conduct and discipline of his subordinates.
- B. Is responsible for compliance with Departmental policies and procedures.
- C. Enforcement of all rules, regulations and orders of the Department.
- D. Exercise his authority without bias or prejudice and shall make any order to a subordinate in clear, understandable language, civil in tone, and in pursuit of Departmental business.

105.02      **VIOLATIONS OF DEPARTMENTAL POLICY**

- A. Immediately take whatever action is necessary to bring a matter of misconduct to the attention of the personnel's supervisor.
- B. Make an impartial written report to his commanding officer in every case of serious misconduct, incompetence, neglect of duty, or violation of the rules, regulations or orders of the Department on the part of any personnel.

Effective date: June 12, 2007

106.00

**POLICE OFFICERS DUTIES AND RESPONSIBILITIES**

The Department shall establish a Police Officers Code of Conduct for those situations where sworn personnel are required to act in an official capacity or are performing official duties.

**RULES AND PROCEDURES:**

**DUTIES AND RESPONSIBILITIES**

106.01      **OATH OF OFFICE**

- A. New Mexico Statute mandates that officers take and subscribe to the Oath of Office, prior to appointment and before undertaking the duties of office.

106.02      **CARRYING OF FIREARM, BADGE AND IDENTIFICATION CARD**

- A. Police Officers will carry their identification cards and badges on their person while on duty, except when impractical or dangerous to their safety or to an investigation.
- B. Police Officers will, while off-duty, carry on their person the official identification card and badge, while armed.
- C. Police Officers shall carry and use weapons in a careful, prudent manner in accordance with the laws of the State of New Mexico and Departmental rules and procedures.

106.03      **ENFORCEMENT OF LAWS, ORDINANCES AND DEPARTMENTAL REGULATIONS**

- A. Police Officers shall promptly obey and support all directives and policies established by the Chief of Police.
- B. Police Officers shall familiarize themselves with, and have a working knowledge of, all laws of the State of New Mexico and the ordinances of City of Gallup, which they are required to enforce.
- C. Police Officers will be equally responsible for the enforcement of laws, ordinances, and Departmental regulations. The delegation of the enforcement of certain laws and ordinances to a particular Division or Section of the Department does not relieve members of other Divisions or Sections from taking prompt law enforcement action for violations coming to their attention. All sworn personnel will take appropriate action and render assistance in any instance coming to their attention whether on or off-duty.
- D. Police Officers will make only those arrests, searches and seizures which they know, or should know, are legal and in accordance with Departmental procedures.
- E. When sworn personnel of this Department are faced with a situation where discretion can be exercised, they must evaluate the circumstances, consider the available resources, and rely on training, Department

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

policies, Department procedures, statutory law, and supervision in making the appropriate decision.

- F. Within each situation, the appropriate decision should be the least restrictive that shall accomplish the intent of the law, is in accordance with Department policy, and does not compromise Officer safety.
- G. Will, if they are the highest ranking member of a subdivision of this Department, assume the duties and responsibilities of the supervisor of the subdivision should the supervisor be absent without naming a person to fill his position.
- H. Police Officers will protect one another in time of danger, stress and under circumstances where danger might reasonably be expected.

**106.04 FURNISHING NAME AND EMPLOYEE NUMBER TO THE PUBLIC**

- A. Police Officers shall cordially furnish their name, employee number and radio number to any person requesting such information when they are on-duty or while acting in an official capacity except:
  - 1. When the withholding of such information is necessary for the performance of law enforcement duties.
  - 2. When proper authority authorizes it.
- B. Police Officers shall furnish Gallup Police Department business cards to victims and/or witnesses of crimes, unless the Police Officers' assignment and good judgment dictates that identity should not be revealed.

**106.05 FAMILIARIZATION WITH THE CITY AND AREAS OF INTEREST**

- A. Police Officers shall be familiar with, but not limit themselves to, the locations of the following:
  - 1. The location of streets, highways and boundaries of the City.
  - 2. Public Buildings, Hospitals, Courts, Transportation, and City, State, and Federal agencies and Departments.
  - 3. Any other pertinent location which would enable the Officer to render a useful and helpful response.

**106.06 INNER-AGENCY COOPERATION**

- A. Police Officers shall cooperate with all agencies involved in the administration of criminal justice, public agencies, and other Departments within the City of Gallup structure.
- B. Police Officers shall aid and disseminate information which these agencies and/or Departments are entitled to receive.

**106.07 NEGLECT OF DUTY**

- A. Police Officers shall be responsible for reporting to their immediate supervisor the neglect of duty or disobedience of other Department personnel that may come to their attention.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 24, 2007

107.00            **CRIME PREVENTION/COMMUNITY RELATIONS**

It shall be the policy of the Department to develop and perpetuate a firm commitment to proactive community services and crime prevention programs

The Department shall maintain close ties with and respond to the needs of the community in a courteous and professional manner.

It shall further be the policy of the Department to take steps to correct practices, actions or attitudes that may contribute to community tensions and grievances.

107.01            **CRIME PREVENTION UNIT**

- A. The responsibility of Crime Prevention Programs will be that of the Crime Prevention Unit Officer, who will report to the Chief's Office.
- B. The Unit's function is to develop, implement and administer structured Crime Prevention Programs with the goal of reducing crime. The Crime Prevention Unit's duties shall include speaking to various groups on crime prevention methods, distributing crime prevention literature, staffing information booths, alerting victims on how best to avoid future victimization, developing crime prevention materials for use by the media and coordinating or maintaining liaison with groups and organizations.
- C. The Crime Prevention Unit will inform all officers as well as non-sworn personnel of all Crime Prevention Programs offered by the Unit. It will advise the community with whom they come into contact of specific approaches and techniques of crime prevention as recommended by the Crime Prevention Unit and the Gallup Police Department.
- D. The Crime Prevention Unit will present the existing Crime Prevention Programs and to assist in the development of new programs when a need is identified. In addition to Crime Prevention duties, the Crime Prevention Officer will perform duties and responsibilities related to the Community Relations Function, on an as-need basis.
- E. The Crime Prevention Unit will provide priority crime prevention programs as follows:
  - 1. Neighborhood Watch
  - 2. Crime Prevention/Safety Tips
- F. The programs will target geographic areas on the basis of an analysis of local crime data provided by the Department's Crime Analyst.
- G. The programs will address, on request, the community perceptions or misperceptions of crime.
- H. The program will be evaluated for effectiveness on an annual basis.
- I. The Crime Prevention Unit will assist in organizing crime prevention groups in residential areas.
- J. The Crime Prevention unit promotes programs for all citizens and proprietors in areas targeted for such activity.
- K. The Crime Prevention Unit will maintain liaison with interested community groups through the presentation of outlined programs.

Gallup Police Department

\* Rules and Procedures \*

Effective date: April 24, 2007

- L. The Crime Prevention Unit will provide crime prevention input, upon request for development and/or revision of zoning policies, building codes, fire codes, and residential and commercial building permits. This input will be presented to the City of Gallup Safety Committee by the representative of the Police Department on an as need basis.

**107.02      NEIGHBORHOOD WATCH**

The City of Gallup Police Department's Neighborhood Watch Program is designed to educate and train the community in crime prevention.

- A. Upon contact with an interested citizen, the Crime Prevention Unit Officer or his designee will contact the citizen via telephone or in person.
- B. The assigned officer will provide the citizen with the following information for organizing a neighborhood watch meeting:
1. The meeting should be held in the evening and on a weekday, so as to have a greater participation.
  2. The officer and interested citizen will agree upon a tentative date for the meeting with an alternate date for the convenience of all interested neighbors.
  3. The officer will provide the citizen with Neighborhood Watch Meeting invitations, created by the Crime Prevention Unit.
  4. The citizen is advised to contact the assigned officer as to the exact date, time, and address of the meeting two (2) weeks prior to the meeting to assure sufficient time for preparation of area statistics, hand-outs and availability of the officer to attend the meeting.
- C. Upon scheduling a meeting date possible overtime /comp-time issues will be addressed.
- D. The officer will then prepare area statistics for the following crimes.
1. Burglary
  2. Larceny
  3. Vandalism
  4. Suspicious Persons/Activity
  5. Suspicious Vehicles
- E. The officer will prepare the amount of materials needed two (2) days prior to the meeting that will consist of the following:
1. Gallup Police Department Neighborhood Watch Booklet, provided by the National Child Safety Council. This booklet provides information on various techniques to reduce the probability of losses. This booklet will clearly state: "The recommendations contained in this booklet are not intended to make your home BURGLAR-PROOF. However, it may reduce the probability of losses occurring if properly applied and maintained."
  2. Neighborhood Watch window stickers.
  3. Neighborhood Watch signs - (one for each street).



**Gallup Police Department**  
**\* Rules and Procedures \***

**Effective date: April 24, 2007**

4. Various handout materials for property inventory and marking property for identification.
- F. The officer will attend and conduct the Neighborhood Watch meeting, using the current lesson guide that will cover information detailed in printed material.
  1. If comments/concerns/complaints are addressed at the meeting, the following working day, the Crime Prevention Officer will make those concerns/complaints known to the appropriate Police Department Unit and/or other city division, requiring follow-up by that unit/division. A disposition is required from that unit/division within one (1) week of receipt.
  2. The Crime Prevention Officer will then make contact with the Neighborhood Watch member(s) informing them of the action taken and the outcome.
- G. Upon completion of the Neighborhood Watch Meeting, the officer will obtain a list from the meeting host. The citizen will be given an additional seven (7) days to obtain a complete list of names and addresses of residents who are interested in participating in the program.
- H. At no time will the information received by any assigned officer be released to anyone who is not a participant in this Neighborhood Watch Program.
- I. Upon the officer receiving a full and current list of the participants in the program area, the Crime Prevention Officer will maintain this information.
- J. The officer will encourage the Neighborhood Watch area participants to hold a meeting approximately every six- (6) months to sign in new residents and exchange information.
- K. For the first month following the organization or re-organization of each Neighborhood Watch Program, the Crime Prevention Officer will make contact with the Chairperson/Block Captain, monthly to follow-up on concerns/complaints/additional information as requested by Neighborhood Watch members.
- L. The program will be evaluated annually by the Crime Prevention Unit.

**107.03            COMMUNITY RELATIONS**

- A. The Gallup Police Department has established the Community Relations Function, as a part of the Crime Prevention Unit to develop, implement and administer structured community oriented programs, such as:
  1. Special Olympics Law Enforcement Torch Run
  2. Programs requested by the Community
  3. Toys for Tots
  4. Station Tours
  5. Liaison with various Groups and Organizations

Gallup Police Department

\* Rules and Procedures \*

Effective date: April 24, 2007

6. Child Identification and fingerprinting
7. Citizens Police Academy
- B. The responsibility of the Community Relations Function is assigned to the Crime Prevention Unit Officer.
- C. The assigned officer is primarily responsible for achieving the Department's Community Relations Objectives, however, the responsibility is ideally shared by all personnel to ensure the success of all community relation contacts. A unified, coordinated effort requires the participation, enthusiasm, and skills of all Department personnel.
- D. The Crime Prevention Unit/Police Community Relations Function shall inform all officers and non-sworn personnel, by posting information in special orders or distributing fliers, of the programs performed by the Unit to achieve the Department's community relations objectives.
- E. A function of the Crime Prevention Unit is to provide the public with up-to-date Community Prevention information and gain/increase the valued support through involvement in various community oriented events.
- F. In order to coordinate community relations programs, the Gallup Police Department has developed a Community Relations plan that includes the following provisions:
  1. Establishing liaison with formal community organizations and other community groups.
  2. Developing community relations' policies for the agency.
  3. Publicizing agency objectives, problems and successes.
  4. Conveying information transmitted from citizens' organizations to the agency.
  5. Improving agency practices bearing on Police Community Relations.
  6. Identifying training needs through interviews with citizen representatives, consultations with those involved in internal investigations and conferences with supervisors.
  7. Establishing community groups where such groups do not exist.
- G. The Crime Prevention Unit Commander will be responsible for the preparation and submission of a quarterly report to the Chief of Police which will include the following:
  1. A description of current concerns voiced by the community;
  2. A description of potential problems that have a bearing on law enforcement activities within the community;
  3. A statement of recommended actions that address previously identified concerns and problems

107.04      **COMMUNITY RELATIONS LIAISON**

- A. The officer assigned to the Community Relations function will establish liaison with formal community groups, including but not limited to, the following:

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 24, 2007

1. Chamber of Commerce
2. Civic groups within Gallup
3. Active Neighborhood Watch groups
4. Special Events Committees
  - a. Special Olympics Law Enforcement Torch Run
  - b. Toys for Tots
- B. Liaison with these groups will be initiated by the interested group. Once a relationship is established, the assigned officer will maintain contact by initiating future presentations based upon the needs and concerns of said groups
- C. The Gallup Police Department's objectives, problems, and successes will be publicized by media releases utilizing the methods set forth in the directive for public information relating to non-crime news.

**107.05            COMMUNITY RELATIONS UNIT RESPONSIBILITIES**

- A. The Community Relations Unit will establish community groups where such groups do not exist by encouraging currently active and inactive groups to invite surrounding area residents in their area to participate thereby enlarging current Neighborhood Watch programs and creating new programs where none exist.
- B. The Community Relations Unit maintains a supply of educational materials on a wide variety of topics, including but not limited to, Traffic Safety, Drug Awareness, Rape, Arson, Physical Abuse, etc. These materials are made available to the public during Station Tours and other Community Relations Programs as well as on request.

**107.06            SPECIAL OLYMPICS-LAW ENFORCEMENT TORCH RUN**

- A. The Special Olympics Law Enforcement Torch Run is a cooperative effort by law enforcement officers who run a symbolic torch across the state in support of New Mexico Special Olympics.
- B. Each law enforcement agency provides, with the assistance of the Department's New Mexico Special Olympics Coordinator, officers in running and relaying the torch with the final destination of the Special Olympic Games held each summer in Albuquerque.
  1. The Crime Prevention/Community Relations Unit Officer will coordinate this event.
  2. Upon receipt of the information packet from New Mexico Special Olympics, the assigned coordinator will contact the Special Olympics office to confirm our participation.
  3. The coordinator will attend all meetings/training sessions as scheduled by the Special Olympics Office.
  4. Upon receipt of further information packets pertaining to fund raising and sponsorship, the coordinator will take necessary steps to recruit runners within this department and other local law enforcement agencies.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 24, 2007

- a. The coordinator shall make contact with officers/detectives in an effort to recruit interested participants by attending briefings and/or any other method in which a large number of personnel can be contacted.
- b. The coordinator will also make contact with other law enforcement agencies by telephone, fax or e-mail, and/or any other method in which a large number of agencies can be contacted to include them in the Special Olympics Law Enforcement Torch Run.
5. Once a list of runners is obtained, the coordinator will assign each runner with a start/finish point. This information will be given to each officer on the day of the run.
6. The coordinator will maintain records of funds raised by officers and by way of corporate sponsorship, to be turned in to the New Mexico Special Olympics office, as it is collected. The Special Olympics office will maintain records of funds received.
7. The coordinator will arrange for news media coverage by way of press release on the event. The information packet received from the New Mexico Special Olympics will have sample releases.
8. The coordinator will be responsible for obtaining volunteers/on-duty personnel for the purpose of providing escorts for the runners for their safety during the run. In addition, the coordinator shall:
  - a. Submit a memo to Patrol Division Commander requesting available on-duty Community Safety Aides/officers for the purpose of safety escorts and traffic assistance.
  - b. Identify any civic organizations and volunteers that will be willing to assist with refreshment posts and various small tasks as necessary.
9. The coordinator will ensure that time schedules set by the New Mexico Special Olympics are met and this department delivers the torch by way of relay to the next participating agency in a timely manner.
10. The coordinator will ensure that each officer has purchased or has raised the required amount of money entitling them to have the Olympic Runners T-shirt.
11. The coordinator and any interested runners will attend the victory party held in Albuquerque at a pre-arranged location, sponsored by N.M.S.O. This celebration directly precedes the opening ceremony of New Mexico Special Olympics Games.
12. The program will be evaluated annually by the Crime Prevention/Community Relations Unit.

**107.07      CITIZENS POLICE ACADEMY**

- A. The purpose of the academy is to develop a positive relationship between citizens and Police through education. With better understanding in the criminal justice system, and increased understanding of the tasks police officers face in their daily work, it becomes easier for police and citizens to find realistic solutions to neighborhood problems.
  1. The Crime Prevention/Community Relations Officer will coordinate this program for this Department.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 24, 2007

2. The Coordinator and members of this department will actively recruit participants for this program through daily contact with the public.
3. Coordinators will conduct a background investigation on each applicant. Applicants must be free of any felony convictions. Misdemeanor arrest or violations will be evaluated in a case by case basis.
4. Instructors are personnel from the Gallup Police Department. Instruction/training are provided in the following areas:
  - History of the Departments
  - Community Policing
  - Sexual Assault Investigations
  - Traffic Investigation
  - Criminal Investigations
  - Crime Scene Investigations
  - Use of Force/K-9/H.R.T.
  - Domestic Violence
  - Police Pursuit Driving
5. Participation in the Academy must commit to one night a week for twelve-week period. A minimum attendance of 80% of the class is required in order to receive a certificate of completion.
6. Classes are held on Thursday evenings from 6 p.m. to 9 p.m. The instruction is at the Gallup Police Training room.
7. A graduation ceremony completes the Citizens Police Academy. The Chief of Police or his/her designee will host the graduation and present participants with Citizen Academy Certificate.
8. There is a no fee to attend the program.

**107.08      STATION TOURS**

- A. Station tours are provided for citizen groups who show an interest in the daily operations of the Gallup Police Department.
  1. Upon request to the Crime Prevention/Community Relations Unit Officer, the tour will be assigned and scheduled to accommodate the interested group.
  2. Information to be obtained by the assigned officer will be:
    - a. The approximate number of participants in the tour group.
    - b. The length of time the group has allotted for the tour.
    - c. Any area of special interest within the department.
    - d. Special needs, i.e., handicapped, etc.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 24, 2007

3. The assigned officer will make telephone contact with the group coordinator, one working day prior to the scheduled day of the tour, to confirm the appointment.
4. Notification will be made with commanders involved in the area to be toured on the day of the tour.
5. Upon arrival of the tour participants, all adult participants will be required to sign in with Reception personnel. Groups of children will require that the adult Chaperone provide a list with the children's names as well as log their names in the Department's visitors' log book, prior to allowing the group into the secured area of the Police Department.
6. The tour will consist of the following areas and a brief description of each:
  - a. Front desk
  - b. Briefing area
  - c. Investigations Division
    - Burglary/White Collar
    - Violent Crimes
    - Crime Scene Technicians including darkroom
  - d. Chief's Offices
  - e. Crime Prevention/Community Relations
  - f. Patrol Car on display
7. Throughout and at the end of the tour, the assigned officer will take special care in allowing ample time for questions and answers.
8. Taking into account the average age group of the participants, printed safety materials will be distributed to all participants.
9. All groups are to be properly escorted in accordance with security requirements.
10. The program will be evaluated annually by the Crime Prevention/Community Relations Sergeant and Officers.

**107.09**      **TOYS FOR TOTS**

The concept of the U.S. Marine Corps Reserve Toys for Tots Program is that Toys for Tots coordinators conduct local community toy collection campaigns from October 1 through December 20-22 each year. Local TFT Coordinators, working with local agencies/organizations/groups normally complete the distribution of these toys to needy children of the community from December 21-24.

Procedures for this program are outline in the "Standard Operating Procedures for Local Toys for Tots Campaigns". The manual is kept in the office of Toys for Tots program.

Effective date: April 24, 2007

108.00      **CRIME ANALYSIS**

It shall be the policy of the Gallup Police Department to assimilate and utilize crime analysis data, on a full-time basis, as a tool to identify and reduce criminal activity, to assist in resource allocation and to prioritize strategic objectives.

All Department employees shall provide complete and consistent reports of crime, incidents and related information, as required, to support this function.

108.01      **PROCEDURE**

- A. The Crime Analyst position answers directly to the Records Supervisor.
- B. The Crime Analyst shall be responsible for the collation, analysis and dissemination of analyzed criminal data.
- C. The Crime Analyst shall identify and analyze methods of operations of individual criminals, provide crime pattern recognition, and analyze data derived from field interrogations and arrests.
- D. The Crime Analyst shall process and examine data in an effort to identify and interpret criminal activity so that strategies may be developed to direct law enforcement activities and relate individual suspects and vehicles to crimes.
- E. The Crime Analyst shall utilize, but not be limited to the following sources:
  - Offense reports;
  - Investigative reports
  - Follow-up supplemental reports;
  - Arrest affidavits;
  - CAD supplied information.
- F. The Crime Analyst will aid in the assembly and comparison of specific crimes to those committed by subjects in custody.

108.02      **CRIME ANALYST FUNCTION**

The Crime Analyst shall:

- A. Identify similarities among different offenses and reveal commonality and patterns in the characteristics of current crime problems;
- B. Assist in the screening and providing of lists of suspects;
- C. Aid in the assembly and ordering of specific crimes that may involve an offender already in custody;
- D. Assist in identifying potential or actual police/citizen concerns;



Effective date: April 24, 2007

E. The Crime Analyst shall generate and distribute Crime Analysis Bulletins, memos and maps relating to:

- Frequency by type of crime;
- Area/Location;
- Date/Time;
- Victim and target descriptors;
- Suspect descriptors;
- Suspect vehicle descriptors;
- Modus operandi information;
- Physical evidence information;

**108.03      DISTRIBUTION OF INFORMATION**

- A. Crime analyst data will be sent to agency components in a timely manner, using a distribution pattern approved for each division
- B. Analytical data produced by the Crime Analyst may be disseminated to outside sources by the Bureau Commander.
- C. The Public Information Officer, in coordination with the Chief of Police, will disseminate crime information to enhance public information and generate public support. However, information shall be controlled to prevent hindering ongoing investigations.

**108.04      DOCUMENTATION OF EFFECTIVENESS AND UTILIZATION**

- A. Recipients of crime analysis information shall evaluate its effectiveness and submit comments to the Crime Analyst.
- B. Bureau Commanders shall discuss and verbally report on the effectiveness of the crime analysis reports during Department Staff Meetings. The Bureau Commander or his/her designee shall provide feedback to the Crime Analyst on a periodic basis.
- C. An annual review shall be performed by the Crime Analyst to evaluate the usefulness of the crime analysis reports and to solicit comments on how to improve the work product.

Effective date: September 15, 2004

109.00

**PERSONNEL, CODE OF CONDUCT**

Personnel of the Gallup Police Department are expected to follow a prescribed Code of Conduct and to act responsibly while on and off-duty. The Department holds its personnel accountable for all actions that reflect adversely on the Department.

**RULES AND PROCEDURES:**

**109.01        COMPLIANCE WITH LAWS, RULES AND REGULATIONS**

- A. Personnel shall obey, and to the best of their ability, protect the rights of the people as provided in the Constitution of the United States of America.
- B. Personnel shall obey all felony criminal laws of the United States of America, and of any state and local jurisdiction in which they are present. Indictment, information, or other formal criminal charge for the violation of any felony law shall be prima facie evidence of a violation of this section.
- C. Personnel shall obey all misdemeanor criminal laws of the United States of America, and of any state and local jurisdiction in which they are present. Indictment, information, or other formal criminal charge for the violation of any misdemeanor law shall be prima facie evidence of a violation of this section.
- D. Personnel shall obey all municipal, City, state, and federal civil laws, including, but not limited to Protective Orders (i.e., Restraining Orders) which may be filed against another person. The employee will immediately provide a copy of any Protective Order, which affects him or her, to the appropriate Chief Officer through the chain of command.
- E. Personnel will not commit or omit any acts, which constitute a violation of any of the rules, regulations, duties and responsibilities, directives or orders of this Department, including those orders given via radio, or a person of the same or higher rank. Disciplinary actions for violating any precept(s) of this manual may include termination from employment from this Department.
- F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the Department.
- G. Conduct unbecoming a Officer or employee shall include, but is not limited to:
  - 1. That which could bring the Department and/or individual Officer or employee into disrepute; or
  - 2. That which impairs the operation or efficiency of the Department.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- H. Personnel who are arrested or cited for any criminal offense or major traffic violation (i.e., Careless Driving, Reckless Driving, Driving While Intoxicated, etc.) which occurred in any jurisdiction, must inform their immediate supervisor.

This will include any arrest or citation that occurred while on or off-duty.

Personnel will provide this information to their supervisor within 48 hours after the arrest or citation.

**109.02 SPECIAL CONSIDERATION, PRIVILEGE, PROFESSIONAL COURTESY**

- A. Gallup Police Department personnel will not give special consideration, privilege, or professional courtesy to other Gallup Police Department personnel or to personnel from other law enforcement agencies when such personnel are alleged to be involved in a violation of any law.
- B. Gallup Police Department personnel who are being investigated in connection with an alleged violation of any law will not solicit special consideration, privilege, or professional courtesy from other Gallup Police Department personnel or from personnel of other law enforcement agencies.

**109.03 REPORTING FOR DUTY**

- A. Personnel shall report for duty at the time and place required by assignment or order, and shall be physically and mentally fit to perform their duties.
- B. Personnel shall be properly equipped so that they may immediately assume their duties.
- C. Personnel shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department or the City as to the condition of their health.

**109.04 CONDUCT WHILE ON-DUTY**

- A. Personnel shall constantly direct their best efforts to accomplish the functions of the Department intelligently and efficiently.
- B. Personnel shall not engage in any activity or personal business that may cause them to neglect or be inattentive to duty.
- C. Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.

Personnel shall perform their duties in a manner that will maintain the established standard of efficiency in carrying out the functions and objectives of the Department. Personnel shall never act officiously or permit personal feelings, prejudice, animosities, or friendship to influence their decisions.

Gallup Police Department  
\* Rules and Regulations \*

---

Effective date: September 15, 2004

- D. Personnel shall notify their supervisor, if possible, or someone else in authority, before leaving their duty station or post for any reason.
- E. Personnel shall be permitted to suspend their assigned duties, subject to immediate call, for the purpose of having meals during their tour of duty, but only for such period of time and at such time and place as directed by their Supervisor.
- F. Personnel may use tobacco as long as they:
  - 1. Are not in a formation; or
  - 2. Do not have to leave their assignment or post for the sole purpose of doing so; or
  - 3. Are not engaged in traffic direction and control; or
  - 4. Are not in a designated non-smoking area.
- G. When personnel are in direct contact with the public, they shall refrain from using tobacco, or will obtain permission prior to doing so from the individual with whom they are in direct contact with.
- H. Personnel shall promptly obey all lawful orders of a supervisor or orders given via radio.

This will include orders relayed from a supervisor by personnel of the same or higher rank.
- I. Insubordination consists of, but is not limited to, any employee who:
  - 1. Neglects or refuses any lawful order given by a superior officer, or
  - 2. Treats with contempt or is disrespectful in language or conduct towards a superior.
- J. Personnel who are given an otherwise proper order, which is in conflict with a previous order, rule, regulation, or directive, shall respectfully inform the supervisor of the previous conflicting order. If the supervisor issuing the order does not retract the conflicting order, the order shall stand.
- K. Personnel shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product or professional service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.).
- L. Personnel shall not, while on-duty, possess business cards or other forms of advertisement relating to personal or other business venture unless the possession of such material is necessary to the performance of their duty.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- M. In the performance of their duties, personnel shall maintain a neutral and detached attitude without indicating disinterest or that a matter is petty or insignificant.

Personnel shall not use coarse, violent, profane, or insolent language or gestures.

- N. Personnel shall not express any prejudice concerning race, religion, politics, national origin, life style, or similar personal characteristics.

Personnel shall obtain information in an official and courteous manner, and act upon it in a proper and judicious manner, within the scope of their duties. They shall be consistent with established Department procedures whenever any person requests assistance or advice, or makes complaints or reports, either by telephone or in person.

- O. Personnel shall wear uniforms or other clothing in accordance with established Department rules and procedures. Except when acting under proper and specific orders from a supervisor, personnel on-duty shall maintain a neat, well-groomed appearance and shall style their hair according to Department regulations.

- P. Personnel shall have telephones in their residence, if available, and shall report any changes of their telephone number or address to their supervisor and to the Administration Section within two (2) working days.

- Q. Personnel shall not alter, misrepresent, or otherwise make any false statement on any report or other written document which has been filled out in the course of their employment. Written document refers to reports, citations, public records or documents, public vouchers, overtime slips, Requests for Leave of Absence, affidavits, or any other written instrument completed by Department personnel.

A violation of this section may result in prosecution for violation of New Mexico Statutes Annotated, including but not limited to, Paying or Receiving Public Money for Services Not Rendered (NMSA 30-23-2), Making or Permitting False Public Voucher (NMSA 30-23-3), Perjury (NMSA 30-25-1), or Tampering with Public Records (NMSA 30-26-1).

- R. All reports and written documentation will be completed and turned in on time in accordance with established Department procedures.

- S. Personnel shall truthfully answer all questions specifically directed to them, and narrowly related to the scope of employment and operations of the Department.

- T. Personnel shall have Employee Emergency Information with the Chief's Office. Each employee will be responsible for updating this information as needed.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- U. When placing long-distance phone calls on behalf of the Gallup Police Department personnel shall follow the telephone long-distance line instructions set forth by the City of Gallup, and the Gallup Police Department.

109.05            **OUTSIDE EMPLOYMENT**

- A. An employee may engage in outside business activity or outside employment provided it is not inconsistent, incompatible, and does not conflict or interfere, with the proper discharge of the employee's duties and responsibilities as a member of the Department.
- B. Approval for outside business activity or employment shall be secured from the Chief of Police or his designee prior to initiating such activity or employment.

109.06            **BOTH ON AND OFF-DUTY**

- A. No employees shall use his official identification cards, badges, or positions for personal or financial gain, for obtaining privileges or for avoiding the consequences of illegal acts.
- B. No employee shall lend to another person his identification cards or badges, or permit them to be photographed or reproduced without the approval of the Chief of Police.
- C. No employee shall use his name and/or photograph, in conjunction with his official title, or in connection with testimonials or advertisements of any commodity or commercial enterprise or product without the approval of the Chief of Police.
- D. Personnel shall avoid regular or continuous associations or dealings with persons whom they know are under active criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior, except as necessary in the performance of official duties, or where unavoidable because of other personal relationships.
- E. Personnel shall not knowingly visit, enter, or frequent a house of prostitution, illegal gambling establishment, or establishment wherein the laws of the United States, the State, or the local jurisdiction are regularly violated, except in the performance of duty or while acting under proper specific orders from a supervisor.
- F. Personnel shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor.
  - 1. Gambling, including sports pools at the work place.
  - 2. Utilization of City equipment or facilities for furtherance of gambling, on or off-duty, or to participate in any games of chance while on duty.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- G. Personnel shall not publicly criticize or ridicule the Department, its policies, or other personnel in a manner which:
1. Is defamatory; or
  2. Is obscene; or
  3. Is unlawful; or
  4. Undermines the effectiveness of the Department; or
  5. Interferes with the maintenance of discipline; or
  6. Is made with reckless disregard for the truth.
- H. Personnel shall not present themselves as the official representatives of the Department, without prior authority.
- I. Personnel shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established Department procedures.
- J. Personnel shall not knowingly interfere with criminal or administrative investigations, assigned tasks, or duty assignments of another, and shall not directly or indirectly, by threat or bribe, attempt to secure the withdrawal or abandonment of a complaint or charges.
- K. Personnel shall cooperate fully with the Investigators in any internal investigation, and shall be afforded all rights and protection provided by law, the City Personnel and Labor Ordinances, the Collective Bargaining Agreements, and the Department Standard Operating Procedures.
- Personnel shall not, without previous authorization from the primary investigator or immediate supervisor, conduct any criminal or administrative follow-up investigation outside the scope of their assignment and employment with City of Gallup.
- L. Personnel shall be required to provide information, regarding their own Internal Affairs file, only when ordered by a court of competent authority, the Chief of Police, or Deputy Chief of Police. When in doubt, personnel should seek advice of counsel.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- M. Personnel shall, at all times, be responsible for safeguarding and proper use of all Departmental issued property. All authorized equipment shall be utilized only for its intended purpose, in accordance with established Departmental procedures.

Personnel shall not abuse, damage, or lose Departmental property.

All Departmental issued equipment shall be maintained in proper order. This will include the maintaining of issued Standard Operating Procedures manuals and the proper insertion of any revisions.

- N. Personnel shall operate official vehicles in a careful and prudent manner and shall obey all laws and Department orders pertaining to such operation.

The loss or suspension of one's drivers license shall be reported to their immediate supervisor, immediately.

- O. Personnel shall wear their badge or official identification card so it is visible when in the Law Enforcement Center or a sub-station, and not in uniform.

When in the Law Enforcement Center or a sub-station, personnel shall give their name, rank, and duty assignment to any person requesting it.

After normal working hours, all personnel will verify the identity of anyone not readily identifiable within the Law Enforcement Center or a sub-station.

- P. Under normal circumstances, when it becomes necessary to officially communicate with a supervisor, personnel will use the proper chain of command.

During an emergency, personnel may bypass their immediate supervisor, but will notify their immediate supervisor as soon as possible.

- Q. Personnel shall not photograph any crime scene or police-related investigation by videotape, motion picture, digital or still film process, for their personal use without the express consent of the Chief of Police.

- R. Personnel shall not release any documents of the Gallup Police Department for use in any hearing or court, unless a judicial subpoena or court order has been issued, or the City Attorney or the Chief of Police has approved the release.

- S. Personnel shall not be the primary investigators on law enforcement matters in which they are personally involved.

- T. Personnel shall not be permitted to assist in a repossession for the purpose of preventing a breach of the peace in a self-help repossession.

Effective date: September 15, 2004

- U. Personnel shall attend all court hearings and/or trials when subpoenaed or directed to attend.

**109.07 ALCOHOL BEVERAGES AND CONTROLLED SUBSTANCES**

- A. Personnel shall not bring into any police facility or City vehicle alcoholic beverages, for any purpose, except in the performance of their official duties.
- B. Personnel shall not consume any alcoholic beverages on-duty or while utilizing Department property, except in actual performance of their assigned duties requiring its use.
- C. Personnel shall not use alcoholic beverages off-duty to the extent that it renders them unable to report for their next scheduled tour of duty, or discredits the Department.
- D. Personnel shall not consume intoxicating beverages on or off-duty, after being involved in an incident which may result in a criminal or administrative investigation of their conduct, until the investigator deems the preliminary investigation complete.
- E. Personnel shall notify their immediate supervisor if a prescription requires on-duty use of a controlled substance.
- F. Personnel shall not store or bring into any police facility or vehicle any controlled substances, narcotics, or hallucinogens, except as required in the performance of their official duties, or when so prescribed for their use by a licensed physician or dentist.

**109.08 SMOKING**

- A. Smoking is not permitted within buildings maintained and owned/operated by the City of Gallup.

**109.09 GRATUITIES**

- A. Personnel shall not solicit or accept, either for themselves or other personnel, gifts, or compensation for service performed in the line of duty, other than that which is paid by the City or which is allowed by the Chief of Police.
- B. Should any establishment, through their own policy, provide food, beverages, and/or services at a lesser rate, said establishment shall not receive any official considerations, but shall be treated the same as any other establishment.
- C. The Department does not endorse personnel accepting any items free of charge or at a discount rate that is not available to the general public.

Shopping on-duty, while in uniform, is discouraged as it may invite special consideration on the part of the merchant.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- D. Personnel shall not use their official positions to gain entry into any event without paying admission, except in the line of duty. Such events include, but are not limited to:
1. Sporting events; or
  2. Liquor establishments; or
  3. Places of amusement.
- E. Personnel shall not use their official position or official identification card or badges to solicit:
1. For personal or financial gain; or
  2. To obtain privileges not otherwise available to them except in the performance of duty; or
  3. To avoid consequences of illegal acts.

**109.10 VOLUNTEER STATUS OF POLICE OFFICERS**

- A. Law Enforcement personnel are occasionally asked to provide security officer services on a volunteer basis, due to their training and experience as law enforcement officers. Law Enforcement personnel may do so only under the following conditions.
1. They provide advance written notice to the Chief of Police. This notice shall contain information pertaining to the date, time and location of the event.
  2. They do not represent or hold themselves out to be law enforcement officers.
  3. They do not wear their Badge of Office or display any other identification or insignia which identifies them as law enforcement officers or in any way resembles their badge of office.
  4. They do not take any law enforcement action while in the security officer position, but only maintain order. Law Enforcement matters are to be referred to Law Enforcement personnel of the appropriate Law Enforcement Agency within that jurisdiction.

Effective date: September 15, 2004

110.00

**NOTIFICATION OF INJURY OR DEATH**

- A. In the event an incident occurs involving the critical injury or death of any member of this Department, the following procedure will be followed:
1. **Metro Dispatch:** Will notify the Watch Commander, Chief of Police, Deputy Chief of Police, and both Bureau Commanders initially. They will then notify the supervisor in charge of the Metro Dispatch. They will then notify any support personnel needed or requested from a field unit, or investigative unit.
  2. **Police Chief:** Will determine if the Public Information Officer is to be utilized, and will make that notification. The Chief of Police, or his designee, will determine who will make a press release, what information will be released, and whether the information will be placed in the Morning Report.
  3. **Bureau Commanders:** Will notify the Lieutenants under their command. They will instruct the Lieutenants to call the Sergeants who are subordinate to them, and the Sergeants will notify all of the Sworn Police Officers who are assigned to them. Civilian personnel within the chain of command from Headquarters on down may be notified at the caller's discretion.
  4. **Call-out Roster:** It will be the responsibility of each supervisor to keep and maintain an up-to-date roster of his subordinates. It is the responsibility of each member of the Department to keep his records up-to-date with the Chief's Office and the Metro Dispatch so that notification can be easily made.

Effective date: April 2, 2007

**111.00 PUBLIC INFORMATION POLICY**

This Department shall uphold the principles of the Constitution of the United States; in particular, those contained in the First Amendment -- Freedom of Religion, of Speech, and of the Press.

The Gallup Police Department is committed to informing the community of matters that are considered public record in the spirit of democracy, pursuant to "The Inspection of Public Records Act: NMSA 1978, Article 2, Chapter 14.

**RULES AND PROCEDURES:**

**111.01 PUBLIC INFORMATION OFFICER DUTIES AND RESPONSIBILITIES**

- A. The Chief of Police has designated a Public Information Officer (P.I.O.) to act as a liaison between the Department and the public.
- B. It is the function of the P.I.O. to provide relevant, accurate, Department information in a timely manner to those who so request.
- C. The P.I.O. is the primary person on-call to handle media. Changes in the P.I.O.'s on-call status will be made in writing to the Communication's Section. In the absence of a P.I.O. or the designated alternate, the Deputy Chief of Police shall be notified of incidents of concern to the media and the community.
- D. The P.I.O. will handle follow-up inquiries. Supervisors, Police Officers, and detectives will keep the P.I.O. appraised of new developments, changes or corrections as it pertains to the dissemination of information to the media and/or the public.
- E. The P.I.O. will prepare and distribute agency news releases. Arrange for and assist at news conferences.
- F. The P.I.O. will coordinate and authorize the release of information concerning victims, suspects and witnesses.

**111.02 P.I.O. ALTERNATE**

- A. In the event of the P.I.O.'s absence, the Chief of Police may assign an alternate to handle the P.I.O. duties.

**111.03 ON-SCENE CONTACT**

- A. The highest ranking supervisor or designee at the scene of an incident will handle initial media contacts. The P.I.O. will be informed of such incidences. The supervisor may request that the P.I.O. report to the scene.
- B. The supervisor or designee may release factual information to the media, such as, but not limited to: nature of the call, time, and place. Details regarding investigative matters will be released by the P.I.O. or assigned designee after consultation with investigators.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 2, 2007

- C. Media representatives may be given guided access to crime scenes when it is determined practical by the ranking investigating officer, except in the following instances:
  - 1. When the crime scene is on private property.
  - 2. When the presence of news media representatives might adversely affect the preservation of evidence at the scene or interfere with the investigation or compromise officer safety.
- D. Crime scenes will be secured by Department personnel and media access will not be permitted within the outer limits unless authorized by the ranking investigating officer. News media coverage will be permitted adjacent to any barriers. Major scenes may require two perimeters, one for the general public and a second for assembly personnel and media representatives. Media representatives may be allowed access to the inner perimeter provided access does not contaminate the scene, endanger life and conflict with sound police procedures. The scene commander and PIO will be responsible for this decision.
- E. A newsperson may be permitted in the area of a crime scene or serious police incident, but he does not have the authority to be within a crime scene or area that has been secured to preserve evidence or at any location where his presence jeopardizes police operations.
- F. The media representatives should be assisted in gaining access to the scene as soon as possible provided it will not interfere with the investigation.
- G. The media will be advised against access to a scene for legitimate safety reasons.
- H. The media is responsible for obtaining any permission necessary for access to a scene.

**111.04      OTHER CONTACT**

- A. Requests for information may be referred to the P.I.O. The P.I.O. should be made aware of media contacts as it relates to Department matters.
- B. In instances where the Police Department is engaged in an activity with another agency(e.g., another law enforcement agency, fire department), the agency having primary jurisdiction shall be responsible for releasing or coordinating the release of information.

**111.05      METRO DISPATCH RESPONSIBILITIES**

- A. When advised of an incident drawing media attention, Metro Dispatch shall notify the P.I.O. Information that may be released by Metro Dispatch personnel includes nature of the call, time, place and personnel on scene. Information regarding investigative matters shall be handled by the P.I.O. or assigned designee.

Effective date: November 15, 2004

112.00

COURT SERVICES UNIT

DUTIES & RESPONSIBILITIES

The Department shall provide a specialized unit dedicated to facilitating the communications process between the Department and the entities that make up the Gallup/McKinley County criminal justice system.

DEFINITIONS:

NOTICES OF TRIAL

Documents prepared for officers/witnesses informing them of the date and time court proceedings are scheduled to take place, and mandating their attendance at the proceedings.

FAILURE TO APPEAR

When an officer/witness fails to appear before the court at the date and time specified on the Notice of Trial.

SUBPOENA

Documents prepared for officers/witnesses informing them of the date and time court proceedings are scheduled to take place, and mandating their attendance at the proceedings.

MUNICIPAL COURT

A court holding legal jurisdiction for hearing criminal cases originating in McKinley County.

MAGISTRATE COURT

A court holding legal jurisdiction for hearing criminal cases originating in McKinley County.

SERVICE OF SUBPOENA

The delivery of court subpoenas. All subpoenas are to be delivered in the manner mandated by the court of authority.

PRE-TRIAL HEARINGS

Formal hearing for the purpose of taking testimony from officers/witnesses pertaining to criminal or civil cases.

ARREST WARRANTS

Valid orders signed by a court of jurisdiction ordering the physical arrest of an individual for criminal activity, or as a witness in a criminal proceeding.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

**PENDING FELONIES**

Those felony cases that have been prepared for presentation in the District Court system.

**MOTIONS**

Orders to produce documents, evidence, or testimony pertaining to civil or criminal court proceedings.

**CITY ATTORNEY**

Persons providing legal expertise to, or representing the City of Gallup in any legal proceedings.

**DISTRICT ATTORNEY'S OFFICE**

The office providing legal counsel to the Gallup Police Department during the course criminal prosecutions for the City of Gallup, or State of New Mexico.

**SPECIAL PROSECUTOR**

Persons appointed by the District Attorney's Office to prosecute select criminal cases.

**RULES AND PROCEDURES:**

**112.01            OBJECTIVES OF THE UNIT**

- A. The unit shall be responsible for receiving all Notices' of Trial and subpoenas and insuring that they are delivered to the Officers in a timely manner.
- B. When notified of an Officers failure to appear at a Court hearing, the Court Services Unit shall be responsible for immediately notifying that Officers Bureau Commander of the failure to appear.
- C. Upon receipt of Subpoena's from the Court, shall assign officers for Service of Subpoena's. The Unit shall track all Subpoena's to ensure their return to the Court as either served or unserviceable.
- D. Upon receiving any Motion issued by the Municipal Court from the City Attorney's Office, shall assist in the obtaining of all required materials as instructed by the City Attorney. Shall also assist the City Attorney as deemed appropriate with matters concerning the Municipal Court.



Gallup Police Department  
\* Rules and Regulations \*

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Effective date: November 15, 2004

- E. Shall review all driving while under the influence of intoxicating liquor or drug arrests daily. When subsequent offenders are identified the unit shall take appropriate action to ensure that subsequent charge. Second offences shall be cited into Magistrate Court. The Unit shall attempt to obtain all necessary supporting documents to verify and validate previous convictions to be used in the prosecution of the offenders.
- F. Shall ensure that lines of communication are maintained with the City Attorney, District Attorney's Office, and the Special Prosecutors Office. The Unit shall facilitate the scheduling of personnel for pre-trial hearings. In the event that an Officer fails to appear for a hearing the Unit shall immediately notify the Officers Bureau Commander.

Effective date: September 15, 2004

113.00

## EVIDENCE UNIT

### DUTIES AND RESPONSIBILITIES

The Department shall provide a unit whose functions are to log, classify, store, dispense, destroy, and release property or evidence to its rightful owner, for court presentation and/or for destruction or auction. All evidence handling processes must comply with local, State, and Federal laws governing the handling of evidence.

### DEFINITIONS:

#### EVIDENCE

Items taken into the Departments custody that assist Officers with their efforts to find the truth in criminal investigations. These items may prove or disprove guilt. All items of evidence should be protected equally by evidence custodians, regardless of their expected value.

#### FOUND PROPERTY

Items found by Officers during the course of duty, or items reported found by citizens. These items do not have a readily identifiable owner, but require safe storage because of their immediate or potential value. While these items do not rise to the level of importance that evidence do, they must be maintained in a safe manner until their rightful owner can be notified, or the property can be disposed of as per Department policy.

#### SAFEKEEPING

Items taken into the custody of the Department for a short period of time. These items may be collected due to their value, or their potential to do harm to the public. These items shall be held in safe storage until they can be retrieved by their rightful owner per Department policy.

#### EVIDENCE CUSTODIANS

Those persons assigned specifically to the Evidence function, or Department personnel who legally possess items of evidence during the course of their duties.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 2, 2007

RULES AND PROCEDURES:

113.01     OBJECTIVES OF THE UNIT

- A. Shall keep abreast with current legal standards and acceptable methods for maintaining evidence, found property, and safekeeping property. All items will be stored in such a manner that the individual items are secure from theft, loss, contamination or natural decomposition, and can be located in a timely manner.
- B. Maintain property reports with proper notations of any/all actions associated with the property, commonly referred to as chain-of-custody.
- C. Ensure the legal and timely notification of persons having found items or safekeeping items in the possession of the Department.
- D. Ensure the legal and proper release/disposal of property recovered, found, or seized by the Department.
- E. Ensure the legal and proper disposal of evidence seized by the Department, once it is no longer needed for court processes.
- F. Conduct case disposition research and other research as is needed to assist with the proper classification of evidence or property.
- G. Coordinate the disposal of unclaimed and surplus property and the special disposal of narcotics, explosives, hazardous materials, and weapons.
- H. Prepare reports to be forwarded to the Department of Justice on an as needed basis.
- I. Provide effective liaison with other law enforcement agencies with regards to items of evidence or property.
- J. Maintain a clean and orderly property storage facility.
- K. The Evidence Commander shall inspect the property room and files, at least once a month, to ensure that all procedures are being followed, and to ensure the proper accountability procedures are being maintained.
- L. An annual audit of property held by the agency is conducted by Evidence Technician, Crime Scene Investigators and the Evidence Commander directly connected with property control.
- M. When a change of Evidence Technician occurs an inventory of the property held in the Evidence Section shall be conducted by the new Evidence Technician and Chief of Police's designee to ensure that records are correct and properly annotated. When the new Evidence Technician signs for the inventory he/she becomes responsible for the total inventory.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 2, 2007

- N. Unannounced semi-annual inspections shall be conducted of the property storage areas to include random inspections of records with physical property, as directed by the Chief of Police.
- O. To meet Accreditation Standards, an annual audit of property held by the agency is conducted by an employee not routinely or directly connected with property control.

Effective date: June 12, 2007

SECTION II

ADMINISTRATION AND PERSONNEL

TABLE OF CONTENTS

200.00	ADMINISTRATIVE ORDERS
201.00	FORMS CONTROL
202.00	CORRESPONDENCE
203.00	MORNING REPORT
204.00	RESERVED
205.00	FISCAL MANAGEMENT AND PERSONNEL
206.00	DEPARTMENT PROPERTY AND INVENTORY
207.00	LEAVE REQUESTS
208.00	LIGHT DUTY
209.00	OVERTIME/FEES
210.00	STAND-BY PAY
211.00	MEAL BREAKS
212.00	RESERVED
213.00	SENIORITY
214.00	PLANNING
215.00	LINE AND STAFF INSPECTIONS
216.00	DUTY ASSIGNMENTS/TRANSFERS/SHIFTS
217.00	SLEEPING QUARTERS
218.00	TRAINING
219.00	BUSINESS TRIPS
220.00	PERFORMANCE APPRAISALS
221.00	PROMOTIONS
222.00	RETIREMENT
223.00	RESERVED
224.00	DISCIPLINE

Gallup Police Department

\* Rules and Procedures \*

Effective date: June 12, 2007

- 225.00 RELIEF OF DUTY
- 226.00 INTERNAL AFFAIRS
- 227.00 EARLY WARNING SYSTEM/EMPLOYEE ASSISTANCE PROGRAM
- 228.00 DRUG ANALYSIS
- 229.00 COMMUNICABLE DISEASES
- 230.00 IN CAR VIDEO
- 231.00 RESERVED
- 232.00 PSYCHOLOGICAL SERVICES
- 233.00 HARASSMENT IN THE WORKPLACE/BIAS PROFILING AND DISCRIMINATING PRACTICES
- 234.00 POLICE VEHICLE ACCIDENTS
- 235.00 LINE-OF-DUTY DEATH
- 236.00 UNIFORM/EQUIPMENT
- 237.00 GROOMING/DRESS STANDARDS
- 238.00 RESERVED
- 239.00 COURT APPEARANCE
- 240.00 OFFICER/CIVILIAN OF THE QUARTER
- 241.00 LOCKERS
- 242.00 RESERVED
- 243.00 RECRUITMENT/SELECTION
- 244.00 RESERVED
- 245.00 HONOR GUARD
- 246.00 FIREARMS/QUALIFICATIONS/AMMUNITION
- 247.00 REPORTS AND RECORDS
- 248.00 USE OF TAPE RECORDERS
- 249.00 LIASION/OTHER AGENCIES



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

200.00

**ADMINISTRATIVE ORDERS**

The Department shall maintain a system of Administrative orders and to provide for distribution, accountability, and control of such information.

**DEFINITIONS:**

**DEPARTMENT STANDARD OPERATION PROCEDURE (S.O.P.)**

Written directives issued by the Chief of Police, which remain in full force and effect until amended or rescinded by the Chief of Police. These directives establish procedures, policies or regulations that affect the entire Department. They are the most authoritative directives and take precedence over all other directives. Changes in the S.O.P are made in the form of Department Special Orders.

**DEPARTMENT SPECIAL ORDERS**

Written directives issued on the Department level and are issued to govern particular situations.

**DEPARTMENT PERSONNEL ORDERS**

Orders issued whenever personnel are transferred from one Bureau or Division to another, are promoted, are attending training, etc.

**DEPARTMENT MEMORANDA**

Notices containing information, suggestions, notices or announcements of general interest.

**RULES AND PROCEDURES:**

**200.01      AUTHORITY FOR ISSUANCE OF DEPARTMENT DIRECTIVES**

- A. All written directives of the Department shall be issued only upon the approval of the Chief of Police. The Chief of Police may vest in others the authority to issue written Department directives.

**200.02      DEPARTMENT STANDARD OPERATING PROCEDURES (S.O.P.)**

- A. Any sworn or non-sworn personnel may propose a change in existing policies and procedures or suggest new policies and procedures. If the change is intended to become a part of the Standard Operating Procedures manual, it should be in the form of a Department Special Order. Personnel will submit proposals through the chain of command. The proposal will contain the following information:
1. A draft of the proposed revision.
  2. A draft of a Department Special Order if the change is to take effect immediately.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- B. The requestor will submit the proposal through the chain of command to the Chief of Police. The proposal will be evaluated for the following elements:
  - 1. Compliance with the proper format.
  - 2. Clarity of language.
  - 3. Compatibility with accreditation standards.
  - 4. Conflict with existing procedures.
  - 5. Compatibility with Federal, State, City ordinances.
  - 6. Compatibility with union/association contracts.
  - 7. Compatibility with City Directives, or
  - 8. Any applicable issues.
- C. After the evaluation is complete, a Special Order will be issued if the proposal is to be incorporated as an amendment to the Standard Operating Procedures manual.
- D. Each S.O.P. revision will be issued a control number. All personnel will receive a yearly control check-off sheet. This check-off sheet will be placed in the S.O.P. manual in front of the Table of Contents page. All personnel are responsible for maintaining the check-off sheet as each numbered revision is released. Supervisors will be responsible for monitoring compliance on a regular basis.
- E. The following format will be used for issuing a control number for a revision that is incorporated into the S.O.P. manual, for example 00-SOP-4
  - 1. "00" for the calendar year.
  - 2. The letters S.O.P. for Standard Operating Procedures.
- F. Personnel will be responsible for maintaining the Standard Operating Procedures manual issued to them.
- G. In order to ensure that all personnel of the Department receive copies of the appropriate S.O.P. revisions, distributions will be made as follows, with each succeeding level of command responsible for the delivery of revisions to their subordinates.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- H. Copies of S.O.P. revisions for personnel will be delivered to the appropriate Bureau Commander by the Chief of Police. The revisions will be forwarded down the chain of command with each succeeding level acknowledging receipt by written signature and date received.

With each set of revisions the Bureau Commander will receive the "S.O.P. Revision Receipt Lists" that are for their command. The Commander will ensure that all personnel sign and date the form in the spaces provided as they receive a copy of the revision(s). Personnel must sign for their own revision and no exception will be made. The "S.O.P. Revision Receipt List" will be returned to the Chief of Police by the date indicated on the form.

The Chief of Police will be responsible for maintaining an accurate record of the receipt for all revisions issued.

Following distribution of a revision, Bureau Commanders will acknowledge receipt on an inter-office correspondence, which is provided in the initial packet and will subsequently be maintained by the Chief of Police.

200.03 DEPARTMENT SPECIAL ORDERS

- A. Are written directives issued on the Department level and are issued to govern particular situations.
- B. Special Orders numbers will be issued using the last two digits of the year followed by a hyphen and sequential number starting with 1, each year, for example Special Order 00-1.
- C. Number logs shall be maintained by the Chief of Police.
- D. If the Special Order is not one that will be incorporated into the Standard Operating Procedures manual, it requires an expiration date.
- E. A Special Order that directs the incorporation of a change to the Department Standard Operating Procedures manual will be published with the revision attached.

200.04 DEPARTMENT PERSONNEL ORDERS

- A. Personnel Orders will be prepared and numbered by the same system outlined for the Department Special Orders, e.g., Personnel Order 00-1.

The Chief of Police will make the appropriate distribution and maintain a file of original orders.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

200.05 DEPARTMENT MEMORANDA

- A. Numbers issued to memoranda will follow the system as outlined for Special Orders, e.g., 00-1.

The Chief of Police will make the appropriate distribution and maintain a file of originals.

- B. Memoranda will contain information, suggestions, notices or announcements of general interest. Memoranda are issued to express the intent and attitude of the issuing authority on the subject contained in the memorandum.
- C. Originators of the Department Memoranda will check to ensure that conflicts do not exist.

200.06 DIVISION STANDARD OPERATING PROCEDURES

- A. Will be maintained in each Division following the same format as the Department manual. The Chief of Police will maintain a copy of each Divisional manual. When a Division makes a change in its manual, the Division will send a copy of the change to the Chief of Police.

200.07 DIVISION SPECIAL ORDERS

- A. A copy of all Divisional directives will be forwarded to the Chief of Police.
- B. Divisional Special Orders will follow the same format as the Department Special Order and will only apply to that Division. The issuing Division Commander will maintain logs and make necessary distribution.

200.08 INTER-OFFICE CORRESPONDENCE

- A. Will follow the same format as the Department Memoranda and will apply only to that Division.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

201.00

FORMS CONTROL

The Department shall centralize the responsibility for forms control in the Administration Section and utilize standard forms whenever possible.

RULES AND PROCEDURES:

201.01      MAINTENANCE OF DEPARTMENT FORMS

- A. The Administration Section shall be responsible to maintain a master file, which will include the original of each form utilized.
- B. Personnel shall not reproduce or requisition any form unless such form has been approved for use by the Chief of Police, or his designee.
- C. Division Commanders will review forms utilized by their respective commands and provide written recommendations regarding changes, then forward them appropriately as outlined in this policy. This review will be completed on an annual basis.

201.02      STANDARDIZED FORMS

- A. Standard forms of other agencies that are in common usage, such as Uniform Crime Reports, Traffic Accident Reports, Uniform and Misdemeanor Citations, and Search Warrants are excluded from the previous provision.

201.03      NEW OR REVISED FORMS

- A. All requests for a new or revised form will be made through an inter-office correspondence, through the appropriate and established chain of command to the Chief of Police, and will include:
  - 1. Purpose of the form and information to be recorded on the form.
  - 2. Number of copies needed to satisfy projected needs for a six-month period.
  - 3. Justification for the form, including a statement explaining why existing form(s) is unsuitable for use or why a new form is needed.

Effective date: September 15, 2004

## CORRESPONDENCE

RULES AND PROCEDURES:

A. Letters, memoranda, and other correspondence or documents shall be forwarded to the principal addressee through the chain of command without delay. The suppression of or failure to forward documents to the principal addressee shall be deemed as neglect of duty, and shall be reported to the office of the Chief of Police through the chain of command.

A. Personnel sending correspondence out of the Department shall indicate one of the following, from their chain of command, as the correspondent: Chief of Police, Deputy Chief of Police, or Captain. All correspondence shall have, in the proper location, the typed initials of the originator and typist. For example:

SS: ABC/def

- 202.00



Gallup Police Department  
\* Rules and Regulations \*

---

Effective date: September 15, 2004

- G. Sworn and non-sworn personnel shall address interdepartmental correspondence to the highest ranking person who could review such letter, memorandum, etc., with ample space provided at the bottom of that document for signature by each supervisor within the writer's chain of command.
- H. The original of the correspondence will be delivered to the writer's immediate supervisor for review, comment, and forwarding through the chain of command.
- I. The suppression of, or failure to forward, documents to the principal addressee shall be deemed neglect of duty and shall be reported to the office of the Chief of Police through the chain of command.
- J. Receipt of letters or information shall be acknowledged within ten (10) working days. If the sworn or non-sworn personnel do not receive such acknowledgement, he may take inquiry to determine the reason for the delay.

Effective date: September 15, 2004

203.00

CHIEF'S MORNING REPORT

This Department shall provide an efficient and reliable reporting of significant events to be entered on the Chief's Morning Report.

RULES AND PROCEDURES:

203.01      GENERAL PROVISIONS

- A. The Metro Dispatch, under the direction of the Watch Commander or on-duty supervisor, will be responsible for the preparation of the Chief's Morning Report. The report will contain information relevant to incidents occurring within the previous twenty-four hour period that involves the following types of incidents or crimes:
1. Homicide and Suicide
  2. Criminal Sexual Penetration, Attempted Criminal Sexual Penetration, or other serious sex offenses.
  3. Armed and Strong-Arm Robberies.
  4. Felonious assaults such as shootings or stabbings where serious injuries occur or where the circumstances are unusual.
  5. Abductions/Kidnapping.
  6. All incidents involving injury to Department personnel, damage to Department equipment, or Department personnel discharging a firearm.
  7. Vehicle accidents in which a person has died.
  8. Incidents of major importance; i.e., explosions, civil disturbances, major narcotics seizures, Special Weapons and Tactics Team deployments, and when a search warrant is served.
  9. Any other incident of a nature that should be brought to the attention of the Chief of Police.
- B. It shall be the responsibility of all applicable supervisors to ensure that the required information be transferred to Metro Dispatch prior to the end of the respective watch.
- C. When Investigators assume command of a crime scene or assume responsibility for a case, the supervisor in charge will ensure that the appropriate information will be added to the Morning Report.

Effective date: September 15, 2004

205.00

**FISCAL MANAGEMENT AND PERSONNEL**

Maintain all functions involved with expenditures, personnel actions, and current inventories of Departmental property.

**RULES AND PROCEDURES:**

205.01      **EXPENDITURES**

- A. All requests for expenditures must be processed through the Chief's Office for review, coordination, and recommendation. This action must be completed before final determination by the Chief of Police or his designee.
- B. The Chief of Police and Deputy Chief of Police shall have approval authority for expenditure of Departmental funds.
- C. Letters to other agencies requesting cost reimbursement for use of Department facilities or services must originate from the Chief of Police.

205.02      **PERSONNEL MANAGEMENT**

- A. All personnel actions (e.g., reclassifications, temporary hiring, filling of vacant administration positions, etc.), shall be reviewed by the Chief of Police prior to any formal paperwork being distributed to City Personnel and/or the Finance Division.
- B. The Chief's Office will be responsible for all functions involved with personnel records, which include the updating and maintenance of employee records.
- C. The maintenance of all payroll documents will be the responsibility of the Chief's Office.

Effective date: September 15, 2004

206.00

DEPARTMENT PROPERTY AND INVENTORY

The Department shall properly inventory all Department property and hold all personnel accountable for property issued to them. The Support Services Bureau is designated as the centralized point for procurement and requisitioning of Department property, the issuance of Department property to authorized users, and is responsible for overseeing that Department property is maintained in a state of operational readiness.

DEFINITIONS:

FIXED ASSETS

A Fixed Asset is any non-expendable property item that is purchased at a cost greater than \$1,000.00.

PROPERTY CONTROL OFFICER

The person assigned to the property control function in the Support Services Bureau.

RULES AND PROCEDURES:

206.01 PROPERTY CONTROL OFFICER DUTIES

- A. Processing urgent requests for supplies and equipment generated by Department Units or functions.
- B. Facilitate equipment repair for all Department Units and functions.
- C. Process special orders for equipment generated by Department Units or functions.
- D. Properly store Department owned supplies and equipment.
- E. Follow-up on Department purchase orders to ensure prompt delivery of items and proper financial transactions.
- F. Complete special projects as assigned.
- G. Complete cost analysis for new purchases, comparing product efficiency, Department needs, and product availability.
- H. Ensure financial transactions are in compliance with purchasing regulations, or grant purchase guidelines.

206.01 INVENTORY SCHEDULES

- A. A current inventory of all Department property shall be established and maintained by the Support Services Bureau.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- B. Each Division Commander will conduct an inventory of all Department property items assigned to their respective Divisions annually, submitting a copy to the Support Services Bureau no later than June 1st.
- C. An inventory will be conducted when a Division or Section supervisor is transferred. The incoming supervisor will assume the responsibility for the Department property. A copy of the inventory will be sent to the Support Services Bureau within five (5) days after the incoming supervisor assumes command.
- D. By the 15<sup>th</sup> day of the month following the end of a calendar quarter the Property Control Officer will complete a quarterly transaction report. The report will address the following points:
  - 1. An accurate portrayal of the Departments financial transactions for the last quarter.
  - 2. A cost/expenditure comparison for activity during the reporting period for the current year and the same quarter of the previous year.

206.02      **TRANSFER OR SALVAGE OF PROPERTY ITEMS**

- A. Property items will not be moved, traded or given to another Division or person without knowledge and concurrence of the respective Bureau Commander.
- B. The physical transfer of any property item must be initiated by the Bureau Commander by means of a memo.
- C. When transferring property items from one activity to another, the unit deleting the property will immediately document the transfer. This unit will send a memo, to the Bureau Commander receiving the equipment approved by the Bureau Commander supplying the equipment. The Bureau Commanders will then ensure that the appropriate adjustments are made on both inventories.
- D. Personnel will not throw away or discard any Department property regardless of condition. Unusable inventory will be salvaged according to City policy. If an item needs to be salvaged, arrangements will be made to deliver the item to the Support Services Bureau along with a memo listing the items to be salvaged, their condition (working, broken, etc.), and the unit that is salvaging them. If the item(s) are too big or bulky to be delivered to the Support Services Bureau, arrangements will be made with the Support Services Bureau so they can pick up the item.
- E. City tag numbers, serial numbers, and model numbers will be used to identify the item being transferred or salvaged.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- F. When requisitioning property items, the requesting unit will submit a Department property/purchasing request form. The form must bear the signature of the person requesting the item(s), and that of the person's Bureau Commander, or the Chief of Police.

206.03 IDENTIFICATION OF PROPERTY ITEMS

- A. All fixed assets purchased by the Department will be received by the Support Services Bureau.
- B. After an item has been inventoried and tagged, the Support Services Bureau will add the item to the appropriate Divisional inventory and notify them to pick the item up.
- C. After an item has been tagged with the Fixed Asset Number, the Support Services Bureau will add the item to the activity's inventory and notify them to pick the item(s) up.
- D. When a delivery of property item(s) under \$1,000.00 is made to an activity, the activity Commander will cause a memo to be written to the Support Services Bureau. The memo will include the following: make, model, serial number and cost. The Support Services Bureau will then add the item(s) to the activity's inventory.

206.04 ISSUED PROPERTY

- A. All sworn personnel will be issued the necessary police equipment to properly perform their assigned duties. This equipment includes, but is not limited to:
1. Duty sidearm and shotgun
  2. Duty leather gear
  3. Chemical mace
  4. Flashlight
  5. Handcuffs
  6. Card key
  7. Commission Card/Identification(s)
- B. Police Officers will be trained in the proficient use of all applicable issued equipment. Police Officers will only carry Department approved non-deadly force weapons that they have been trained and/or certified with.
- C. Saps, black jacks, sap gloves, and stun guns are examples of weapons not approved by the Department.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

206.05 POLICE DEPARTMENT OFFICIAL IDENTIFICATION

- A. All personnel, including part-time temporary employees of the Police Department, will be issued official identification cards by the Support Services Bureau at the time of hire.
- B. Sworn personnel will renew their identification/commission cards as follows:
  - 1. At the official change of administration.
  - 2. When promoted or demoted.
  - 3. When lost, stolen, unserviceable, or when a change of name occurs.
- C. Non-sworn personnel will renew their identification cards as follows:
  - 1. At the official change of administration.
  - 2. When lost, stolen, unserviceable, position change, or when a change of name occurs.

206.06 RESPONSIBILITY FOR DEPARTMENT PROPERTY

- A. All personnel of the Department are responsible for the Department property issued to them.
- B. When Police Officers have their Department issued equipment damaged or stolen, they shall contact their chain of command for immediate replacement of those items that are necessary for them to function in their particular job.

206.07 ISSUANCE OF EQUIPMENT

- A. When taking possession of new or replacement issue equipment, sworn personnel will sign for the new equipment on their property log.
- B. All personnel will report all equipment changes to the Support Services Bureau within five (5) working days for the purpose of updating their individual property logs.

206.08 RETURN OF DEPARTMENT OWNED PROPERTY

- A. When personnel resign, are placed on physical layoff or leave the service of the Department for any reason, they shall surrender all Department owned property and equipment.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

B. Department card keys, official identification and commission cards will be turned in upon:

1. Termination of employment.
2. A new card being issued.
3. Being relieved of duty by an authorized supervisor.

206.09            **PERSONALLY OWNED PROPERTY**

A. Any individual choosing to utilize personally owned equipment or property for use, must ensure the equipment/property complies with applicable collective bargaining agreements and/or the Gallup Police Department Standard Operating Procedures Manual prior to being utilized.

1. If personally owned property has not received proper authorization from the Chief of Police, any claim for reimbursement/replacement will be denied.
2. If authorized property/equipment is damaged, any claim for reimbursement/replacement, along with the damaged item and report shall be submitted to the proper Bureau Commander for initial evaluation.
3. To insure uniformity between Bureaus, the Deputy Chief of Police has final claim approval authority.

206.10            **EXPERIMENTAL EQUIPMENT**

A. Experimental equipment will not be utilized by personnel of this Department without the permission of the Chief of Police.

206.11            **TRAVEL RELATED EXPENSES**

A. Travel request letters and all city business leave requests for Department members and employees must be reviewed and signed by the Chief of Police prior to being submitted to the City Manager's office for approval by the City Manager.

Effective date: September 15, 2004

207.00

**LEAVE REQUESTS**

The Department shall set standards for employee leave requests. All requests submitted will be considered only if the following guidelines are met.

**DEFINITIONS:**

**FUNERAL LEAVE**

Funeral leave may be used in the event that an employee must attend the funeral of their spouse, parent, parent-in-law, brother, sister, brother-in-law, sister-in-law, child, stepchild, grandparent, or grandchild.

**EMERGENCY LEAVE**

Leave which may be used in the event of unplanned circumstances arising requiring an employee to be away from the workplace for a short period of time.

**RULES AND PROCEDURES:**

207.01      **VACATION/LEAVE**

- A. Personnel requesting annual leave for a period of three (3) days or less shall submit the request to his immediate supervisor, in writing at least ten (10) days in advance of the effective date of the requested leave.

Should circumstances arise which prevent the employee or member from submitting a leave request within the required ten days, the immediate supervisor and Shift/Division Commander can consider waiving the (10) day notice requirement.

- B. Annual leave shall be approved on a first-come, first-served basis. However, when two (2) or more personnel request the same time-off, seniority shall control. In the event all seniority criteria are equal, City of Gallup employee numbers, shall control.
- C. Personnel transferring from one Bureau or Division to another, with previously approved annual leave, shall be allowed to take such annual leave as scheduled.
- D. In assignment of vacation time, the Supervisor shall consider the personnel's workload within the work unit during the required time period. After the leave is approved by the first line supervisor the form must be forwarded to the Shift/Division Commander.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- E. Shift Commanders receiving approved requests for leave shall initial the form in the appropriate space. If the supervisor disapproves the leave request, they shall state the reason(s) for disapproval to the requesting personnel. Shift/Division Commanders shall make necessary adjustments to the shift to ensure an adequate number of personnel are on duty at all times.
- F. A member of employee shall be notified within five days of the submission of their initial request for leave as to the approval or disapproval of their leave request.

207.03      **SICK LEAVE**

- A. In the event that a person will be unable to report for duty due to illness or other emergency, they will notify their supervisor. Notification will be made no later than eight (8) hours PRIOR to the scheduled time to report for duty. If the employee gives less than eight (8) hours notice their supervisor may choose to:
  - 1. Approve the sick leave when notified.
  - 2. Visit the employee at their place of residence to insure that the use of sick leave is valid.
  - 3. Request the employee or member be seen by a licensed physician and that a written excuse for the illness be provided from the physician. This shall be done if the immediate supervisor feels that the employee or member has been using an excessive amount of sick leave.
  - 4. Request the employee or member to come to the Department to be checked by the immediate supervisor to determine if the sick leave request is valid or not. If the employee or member feels that they can not safely come to the Department, the immediate supervisor shall visit the employee at their place of residence.
  - 5. Any employee or member who has falsely reported themselves injured or ill, shall be subject to discipline for the improper use of sick leave.
- B. Notification must be made by the personnel, unless they are physically incapable of doing so.
- C. Should the person's immediate supervisor not be available, the personnel will follow their chain of command until proper notification is made.
- D. Personnel reporting that they will be unable to report for duty due to illness need not present a doctor's certificate of illness for absences of three (3) days or less, unless:
  - 1. The person's immediate supervisor, or higher authority, believes the person is feigning illness.



Effective date: September 15, 2004

2. In such cases, the immediate supervisor, or higher authority, shall meet personally with the concerned member or employee and inform the person of the reason(s) for such belief.

- E. Personnel reporting that they will be unable to report for duty due to illness for a period in excess of three (3) consecutive work days will be required to present a doctor's certificate on the day that they report to duty.

207.04            **MATERNITY LEAVE**

- A. Maternity leaves of absence shall be granted, and the person shall be allowed to use sick leave for this purpose. When sick leave credits are exhausted, annual leave credits shall be used. When both sick and annual leave credits have been exhausted, the person may apply for leave without pay in accordance with the needs of the person as determined by the attending physician. A person will not be required to leave prior to childbirth unless she feels that she is no longer able to perform her assigned duties. This type of leave must meet all applicable City, state, and federal guidelines.

207.05            **PARENTAL LEAVE**

- A. Parental leave without pay is granted to a person for a period not to exceed twelve (12) weeks, when the person needs to care for an infant. Parental leave is also granted when a person's legal spouse is about to, or has just, given birth to a child. Parental leave can also be granted to a person adopting a child. The person requesting parental leave shall first use all accrued annual leave and sick leave. Spouses employed by the City of Gallup are limited to one twelve week period of leave for childbirth, adoption, or to care for a sick parent.

207.06            **MILITARY LEAVE**

- A. All personnel's authorized military leave shall be granted such leave in accordance with 38 USC 2024 (d) and NMSA 20-9-8, 1978. It is the responsibility of the personnel to provide his Captain with notification of the required absence at least fifteen (15) days prior to the commencement of leave or promptly upon receiving such notification. The personnel shall also provide his Captain a copy of the military leave orders if such orders are written.

207.07            **FUNERAL LEAVE**

- A. If the funeral is within 450 miles of the City of Gallup, three consecutive calendar days of leave may be authorized.
- B. If the funeral is more than 450 miles from the City of Gallup, five consecutive calendar days of leave may be authorized.
- C. The above listed time limitations do not apply if a leave request is made for vacation time in lieu of funeral leave. Vacation time may be granted in any amount approved by management.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

**207.08 LEAVE OF ABSENCE WITHOUT PAY**

- A. When a regular full-time employee has demonstrated a need for an extended leave of absence without pay, such a leave may be granted for a period of time not to exceed one (1) year subject to the recommendations of the Chief of Police and the approval of the City Manager.
- B. Leave of absence provisions will be governed by the collective bargaining agreement between the City of Gallup and the Gallup Police Officers Association.

**207.09 EMERGENCY LEAVE**

- A. May be granted in accordance with the Personnel Rules of the City of Gallup. If a member or employee requests Emergency Leave, it will be their responsibility to do the following:
  - 1. Notify their immediate supervisor at the earliest possible time that Emergency Leave is needed. If the immediate supervisor cannot be contacted, they shall then attempt to contact the working shift supervisor, the Watch/Division Commander, or their Bureau Commander.
  - 2. Should the member or employee be scheduled for any type of appearance, they shall also direct the contact person to notify the appropriate individual.
  - 3. Any Emergency Leave taken shall be deducted from the member or employee's accumulated sick leave time, unless other arrangements have been made and approved by the Chief of Police.

**207.10 ON THE JOB INJURY LEAVE**

- A. On the job injury leave shall be granted in accordance with the Personnel Rules of the City of Gallup.

**207.11 ADMINISTRATIVE LEAVE**

- A. May be ordered by the Chief of Police as he sees fit. This may be either leave with or without pay.

**207.12 COMPENSATORY TIME**

- A. Compensatory time may be granted by a member of employee's immediate supervisor, provided that they have accumulated compensatory time.
- B. Compensatory time is to be administered in the same fashion as vacation time.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

208.00

**LIGHT DUTY**

This Department may offer Light Duty assignments to personnel who, due to injury or illness, cannot perform their regularly assigned duties. Light duty assignments will be made in accordance with the standards set by the current Collective Bargaining Agreement between the City of Gallup and the City of Gallup Police Officers Association.

**RULES AND PROCEDURES:**

**208.01      LIGHT DUTY**

- A. Personnel who are unable to perform their regular duties due to illness or injury may be assigned to light/limited duty within the Department provided:
  - 1. The person submits a written release signed by their physician releasing them to work in a limited assignment.
  - 2. Any work restrictions must be noted on the release.
  - 3. A prognosis for complete recovery and the ability to return to full duty must be clearly stated on the release.
- B. Any personnel placed on Light Duty will not be placed in a position that could jeopardize or aggravate their physical condition. The intent of this provision is to permit the return to work as soon as is medically possible to personnel who are affected as set forth above. Further, the parties understand that "limited duty" refers to duty other than normal outside patrol duties and that it is not the intent that said "limited duty" is to be of a "make work" nature.
- C. Personnel assigned a take-home vehicle will, while on Light Duty status for either an on-the-job or off-the-job illness/injury; surrender that vehicle to the appropriate Watch/Division Commander. Police Officers may be assigned a take-home vehicle upon full release from their physician.

Gallup Police Department  
\* Rules and Regulations \*

Effective date September 15, 2004

209.00

**OVERTIME/WITNESS FEES/CHIEF'S OVERTIME**

All Police Officers shall be paid at the rate of time and one-half their regular straight time rate of pay for all time worked in excess of eighty-four (84) hours in any one (1) pay period. All overtime shall be authorized according to financial and budgetary constraints by the Chief of Police or his designee.

This section also sets down specific guidelines for the acceptance of witness fees for testimony directly related to official duties performed by personnel of the Department.

The provisions set forth herein for the Chief's Overtime program will apply to both regular Chief's Overtime and to events sponsored by the City of Gallup when Police Officers are used to provide a secure atmosphere for the citizens in attendance. The guidelines set forth herein will apply to all functions sponsored by the City of Gallup.

**DEFINITIONS:**

**CHIEF'S OVERTIME**

Chief's Overtime is defined as voluntary, off-duty overtime.

**RULES AND PROCEDURES:**

**209.01          OVERTIME**

- A. Sworn and non-sworn personnel, except for those in certain pay classifications, are eligible for overtime pay when they work more than eighty-four (84) hours in any one (1) pay period. All overtime will be approved by the member's supervisor prior to working the assignment. All overtime will be compensated in accordance with City rules and regulations and collective bargaining agreements.
- B. An overtime authorization form will be completed by personnel performing the overtime, and submitted by the end of the next duty day. The form must be approved by the appropriate supervisor(s) within the person's chain of command. The overtime will not be considered approved until the Watch/Division Commander approves the request.
- C. Actual hours worked will be computed in quarter-hour increments following the completion of assigned duties.
- D. Employees called back to work after having left the worksite will be compensated in accordance with applicable City rules and regulations, and collective bargaining agreements.
- E. Eligible personnel, at the discretion of the Chief of Police, may elect to receive compensatory time at the rate of one and one-half hours off for each one hour worked.

Gallup Police Department  
\* Rules and Regulations \*

Effective date September 15, 2004

- F. Overtime should be recorded on a daily basis and forwarded to the Chief's Office.
- G. When court attendance requires overtime personnel will obtain the length of time spent in court, and have this indication initialed by the Court Clerk. Personnel will in turn give the overtime slip to their supervisor for approval. The supervisor will forward the slip to the Chief's Office.
- H. When pre-trial conferences require overtime personnel will indicate the length of time spent in conference, and have this indication initialed by the attorney requesting the pre-trial conference.

**209.02 WITNESS FEES AND JURY DUTY**

- A. If personnel are called as a witness in a court case, as a result of their employment, during regular duty hours any monies paid to personnel while serving as a witness shall be paid to the city. If the court appearance requires travel the city will pay the salary, per diem and travel expenses, as prescribed by law.
- B. When the sworn or non-sworn personnel receipt the proceeds to the City, they will endorse the check "payable to the City of Gallup only" and return the check and subpoena to the Chief's Office. The check and subpoena will then be forwarded to the City Manager's Office.
- C. If, after receiving the check, an officer is not required to appear in court, the check shall be returned to the issuing party.
- D. If an employees appearance in civil court occurs during off duty hours, he may either keep the check or submit an overtime slip in the same manner as other court overtime. If the employee elects to put in for overtime, he will follow the check submission directions outlined in subsection B.
- E. Employees will be permitted to take vacation or compensation time solely for the purpose of collecting witness fees. Employees taking vacation or compensation time for court appearances will not be eligible for overtime payment.
- F. Officers should cooperate with attorneys in civil cases in which the City of Gallup has no interest.
- G. On duty telephone interviews with attorneys will be allowed with the officer's supervisor's permission.
- H. If a conference is more appropriate, off duty officers will confer with attorneys regarding civil cases only when arrangements have been concluded for reimbursement of \$75.00 in the form of a check from the attorney. The check should be accompanied by a statement or letter from the attorney, noting the payment. This check is to be kept by the employee attending the conference.
- I. No overtime slip will be accepted by supervisors for off duty conferences between officers and attorneys in civil cases.

Gallup Police Department  
\* Rules and Regulations \*

Effective date November 15, 2004

- J. If personnel are called for jury duty, they will be paid their regular salary while serving on a jury. Any monies received by personnel while serving on a jury must be paid to the city in the manner described in subsection B.

209.03 CHIEF'S OVERTIME

- A. Outside policing activities will be considered to be regular law enforcement duty insofar as conduct, performance of duty and compliance with Department rules and regulations are concerned.
- B. Chief's Overtime will be made available to all members on a sign-up basis.
- C. An Officer performing such duty will be under the direction of any superior officer assigned to such activity.
- D. Any complaints or disciplinary action generated from these special events will be forwarded to the supervisor assigned to the outside duty.
- E. Off-duty overtime will be made available to all supervisors and officers unless otherwise directed due to special assignment or disciplinary action.
- F. There will be no outside policing activities at a liquor serving establishment, except as authorized by the Chief of Police.
- G. Priority will be given to participant personnel on scheduled days off.
- H. Participant personnel will not be allowed to exceed thirty-two (32) hours of Chief's Overtime per pay period.
- I. Participant personnel will not work Chief's Overtime during the eight (8) hours preceding a regular scheduled shift.

209.04 CHIEF'S OVERTIME SUPERVISORS

- A. Supervisors must be scheduled for Chief's Overtime as follows:
  - 1. Four (4) to eight (8) Police Officers employed at a single event must be supervised by a Sergeant.
  - 2. Nine (9) to fifteen (15) Police Officers employed at a single event must be supervised by both a Lieutenant and a Sergeant.
  - 3. Certain events may require supervision by a Captain and this determination will be made by the program administrator or higher authority.

Gallup Police Department  
\* Rules and Regulations \*

Effective date September 15, 2004

209.05

SELECTION LISTS FOR CHIEF'S OVERTIME

- A. Extra duty assignments shall be offered to all personnel. A sign up list will be posted in the Departments briefing room for each event
- B. Any personnel, who accepts an extra duty assignment but is unable to fulfill the assignment, shall notify the Field Services Bureau Commander, and shall make arrangements to have another officer fill their scheduled position.
- C. Sick leave or vacation shall not be taken in order to accept an extra duty assignment.
- D. Personnel in a light duty status shall not be eligible to participate in extra duty assignments.
- E. Except when acting in supervisor capacity, as set out above, Sergeants and Lieutenants shall receive Officer 1<sup>st</sup> Class pay and shall wear uniforms which do not bear rank insignia when performing extra duty assignments:
  - 1. When supervising, Sergeants and Lieutenants shall be compensated at their regular overtime rate.

Gallup Police Department  
\* Rules and Regulations \*

Effective date September 15, 2004

210.00

**ON CALL PAY**

Those employees who are working in an assignment, which calls for an on-call status, will be compensated with on call pay. The criteria for compensation will be set by the current Collective Bargaining Agreement.

**RULES AND PROCEDURES:**

210.01      **STANDEY**

- A. The Chief of Police or his designee may place personnel on stand-by status. Stand-by status is defined as duty status wherein a person is required and assigned to be available for immediate call-out at times when the person is otherwise not assigned to his regular duty post. During such call-out period the personnel shall remain fit for duty.
- B. Personnel shall not be assigned stand-by duty for time periods less than seven (7) consecutive days in duration. If, in the exercise of his sole discretion, the Chief of Police or his designee requires a person to be placed on stand-by status for periods longer than one week, such assignments in excess of one week shall be made in multiples of seven days (i.e., 14 days, 21 days, 28 days, etc.)
- C. Personnel shall not be placed on stand-by status while on leave.
- D. Personnel assigned stand-by duty, shall be paid five (5) hours at his overtime rate for each week so assigned.
- E. Personnel's pay shall begin at the time personnel are officially notified of a need for service



Gallup Police Department  
\* Rules and Regulations \*

Effective date September 15, 2004

211.00

**MEAL BREAKS**

This Department shall ensure that meal breaks for all personnel are in compliance with the Fair Labor Standards Act, City of Gallup Personnel Rules and Regulations, and/or all applicable collective bargaining agreements.

**RULES AND PROCEDURES:**

211.01      **MEALS**

- A. All sworn personnel will be scheduled to work a shift, which includes a paid meal period. Meal breaks will be scheduled during the regular work day, and will be arranged on a staggered basis as time and work requirements permit. The duration of the meal break, and the location and time which the break is to begin, will be at the discretion of the individual's supervisor.
- G. Should time and work assignments prevent an individual from having a meal break during the course of the work day, no compensatory time or other compensation will be allowed.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

213.00

**SENIORITY**

The Department recognizes that senior status among members of the same rank will take precedence according to the date of their respective rank or grade. Among patrol officers, the positions of Probationary Patrolman, Patrolman Second Class, and Patrolman First Class are separate ranks.

**RULES AND PROCEDURES:**

213.01      **USE OF SENIORITY**

- A. When two or more officers are working together on the same assignment and are of equal rank, seniority shall not be exercised except in an emergency necessitating it. Unless, by competent authority, one member or employee has been designated as in command.

213.02      **SENIORITY STATUS**

- A. If an officer is reinstated within one year of his resignation, his seniority may be returned to him at the discretion of the Chief of Police. If an officer is rehired after more than one year, his seniority shall commence on the date of rehiring.
- B. In determining seniority based on continuous service, suspensions and approved leaves without pay will not normally be subtracted unless so specified in the suspension or leave of absence documents.

Gallup Police Department  
\* Rules and Regulations \*

Effective date September 15, 2004

214.00

**PLANNING**

The Department shall assign personnel as necessary to develop plans for proper utilization of manpower, resources, and equipment in order to efficiently meet the mission and goals of the Department.

**RULES AND PROCEDURES:**

214.01      **DUTIES AND RESPONSIBILITIES**

- A. Personnel assigned to develop plans for special events or in anticipation of future needs, will be given specialized training to enable them to perform adequately.
- B. The training will include, but not be limited to:
  - 1. Research design
  - 2. Statistics
  - 3. Technical Writing
  - 4. Project Management
- C. Those personnel assigned to plan for a designated task as described above will be given access to the necessary information, resources and data in order to prepare in an efficient and fiscally responsible manner. The personnel involved in planning will ensure that careful research is completed prior to any proposal being presented.
- D. All reports and information collected by the personnel involved in developing plans will be distributed to those sections of the Department that will be affected.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 24, 2007

215.00 STAFF INSPECTION AND ACCREDITATION UNIT / LINE INSPECTIONS

STAFF INSPECTION AND ACCREDITATION UNIT

The Staff Inspections Unit of the Gallup Police Department has been created to ensure objective review of agency policy and procedure, facilities, property, equipment, personnel and administrative/operational activities outside the normal chain of command.

In addition to these duties, Staff Inspection personnel are charged with the task of administering Law Enforcement Accreditation as directed by the Office of the Chief of Police. An essential part of this function will be constant review, revision, composition, and implementation of all Gallup Police Department Policies.

215.01 CHAIN OF COMMAND AND AUTHORITY

- A. The Staff Inspections/Accreditation Unit will be conducted by the Internal Affairs Detective and Accreditation Lieutenant. The Lieutenant answers to the Support Services Captain in all matters relating to Accreditation or Staff Inspections.
- B. Personnel of the Staff Inspections Unit operate through the authority of the Chief of Police with guidance and supervision from the Support Services Captain. The Unit is a separate component from both the Field Services and Administrative Services Divisions.

215.02 STAFF INSPECTIONS FUNCTIONS

- A. The objective of a staff inspection is to assist all employees of the management team through independent and objective analysis, review and evaluation of existing programs, procedures, and activities. In conducting inspections, the Unit will function under the policies and direction of the Chief of Police as outlined in this Policy. Further, Unit personnel shall act on behalf of the Chief of Police as a staff investigative body with the authority to review and appraise any policy, order, plan, procedure, or record within the Department.
- B. Staff Inspections personnel shall be responsible for conducting staff inspections of all organizational components within the Department at least every two years, and on an as needed basis, to be determined by the Chief of Police. Unit personnel may solicit the expertise of additional personnel, with approval from the Chief of Police.

215.03 PROCEDURES FOR CONDUCTING INSPECTIONS

- A. Program Review
  - 1. Will be conducted to assess whether results are consistent with pre-established goals and objectives.
  - 2. An assessment will be made to determine whether programs are being carried out as planned.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 24, 2007

3. An evaluation will be conducted to assure compliance with established plans and programs standards.

B. Operational Review

1. A general inspection examines a cross-section of operational functions and procedures of a particular unit or command.
2. Inspections will include evaluation for compliance of rules, regulations, policies and procedures.

C. Review of Written Policy and Procedure

1. This will include an assessment of present policy and procedures, the need for revision, modification, or draft of new material.
2. Continuous inspection will be conducted in this area to assure that all written material is in compliance with NMLEA standards, and to assure that the needs of this Department are met.
3. Any reports of deficiencies, required revision, modification or need for policy development shall be handled in accordance with procedures set in the portion of these Directive entitled, "Procedures for Policy Development and Implementation."

215.04 DOCUMENTATION, FILE MAINTENANCE, RETENTION AND PURGING

A. Documentation

1. Should any deficiencies be noted, a written report will be completed within ten working days of the inspection and submitted to the Office of the Chief of Police for his/her review.
  - a. Included in the written report will be documentation of non-compliance, and proposed solutions (to include input from the Field Services, Support Services, or Internal Affairs Commander).
  - b. A follow-up inspection shall be conducted in 30 days, should deficiencies be noted to assure corrective measures are underway, as directed by the Office of the Chief.
2. All original written inspections/follow-up reports shall be forwarded to the Office of the Chief.
3. A copy shall be maintained in the Staff Inspections/Accreditation Office in the appropriate research, inspection, and/or compliance file(s).

B. Filing/Storage

1. The contents of all inspections files stored in the Unit (except for research information) are to be considered confidential/restricted.
2. The files are to be secured in a locked filing cabinet in the Accreditation Unit and no one, other than unit personnel and the Chief shall be allowed to review the contents, unless directed by the Chief of Police.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 24, 2007

3. Unit personnel are strictly prohibited from divulging or discussing the information contained in these files with others than those authorized in the above paragraph.
  - a. Failure to adhere to this section shall be deemed just cause for disciplinary action, up to and including termination.

215.05            ACCREDITATION FUNCTION

- A. Accredited status requires that the Gallup Police Department consistently and continually monitor all written policy and procedure, on-going operations, personnel matters, manpower allocation, plans and programs, liaison with other entities and agencies, specialized assignments, financial and contractual matters to assure maximum service to the citizens, while minimizing all related costs.
- B. The Personnel of this unit are charged with the efficient and effective management of this project with a focus on compliance with standard requirements while assuring that the needs of the public and the Department are met as well. To this end, the following procedures shall apply to Unit Personnel in the performance of their required duties.
- C. Unit personnel are charged with the responsibility of composition, revision, modification, and review of all manuals on an on-going basis to assure that Department personnel have the necessary reference materials for guidance in the proper performance of their assigned duties.
- D. Training material shall be put forth in Training Bulletins, which are issued through the Planning and Research/Training Lieutenant.
- E. The Chief of Police and (in his/her absence) the appropriate designee shall retain final authority to issue, revise or modify all Gallup Police Department Policies. This is to assure unity of command, purpose, and direction of all Department personnel.

215.06            ATTAINING AND MAINTAINING COMPLIANCE WITH ACCREDITATION STANDARDS

- A. Self-Assessment Phase
  1. Policy manuals shall be drafted, revised, referenced and indexed as outlined in Section 200.00.
  2. Plans and programs shall be developed with the aid and input of personnel who are assigned to the affected areas. Additional personnel who have expertise in the specific area may be assigned with the approval of the Chief of Police.
  3. Inspections to assure compliance with standards shall be conducted in accordance with the procedures outlined in the Staff Inspections portion of this Policy.
  4. Files shall be developed to address each standard listed by the accrediting body and shall contain the following documentation:
    - a. Standard statement - A copy of the standard and the commentary will be attached to the file.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 24, 2007

- b. ISSR - A completed Individual Standard Status Report will be the second page. The ISSR will reflect the status of the standard (compliance, non-compliance, or other than mandatory).
- c. Multiple forms of compliance will be inserted to prove requirements of the standards have been met. On pages, which include additional information, the specific area addressed by the standard will be highlighted. Compliance documentation that addresses several points (bullets) will be highlighted with separate colors. The corresponding color will be used to highlight the bullet on the standard page to allow ease in reference.
- d. Accreditation Unit personnel and/or Training Unit personnel will conduct mandatory training during the self-assessment phase, prior to on-site, during all subsequent self-assessments, and prior to any on-site inspections preceding re-accreditation. This training will focus on the process and all required steps to attain and maintain accredited status.

215.07      **MOCK AND ON-SITE INSPECTIONS**

**A. Mock-Inspection**

- 1. Mock-inspection will be held utilizing the number of accreditation approved assessors as designated by the accrediting body. The Accreditation Unit personnel will handle the following areas of responsibilities.
  - a. Contact will be made with all proposed assessors by telephone and mail to coordinate travel/room arrangements and dates for the mock-inspection.
    - The amount of per diem allotted for each assessor shall be set by the Chief of Police and agreed upon by the assessors prior to the mock-inspection.
  - b. The Unit Commander or supervisor shall coordinate all travel/room arrangements through the agency Budget Office to assure adequate funding is made available.
  - c. The Unit Commander shall draft schedules for the inspection, to include appointments for agency and City personnel to be interviewed by the assessors.
  - d. Static displays and the media session shall be set no later than two weeks prior to the mock-inspection and all personnel shall be notified at least one week before these events of the time, date, place, and appropriate dress required.
  - e. Travel and room accommodations shall be set no later than two weeks prior to the inspection.
  - f. Unit personnel shall be responsible for scheduling use of a room within the Police Department to accommodate the assessors during their review of files and interviews of personnel. All agency manuals, compliance files, and materials needing review will be displayed in the designated room.
    - Unit personnel shall be responsible for stocking the room with appropriate supplies to include office supplies, copiers, and

Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 24, 2007

any items required for the comfort of the assessors as approved by the Chief of Police.

2. Unit personnel shall be responsible for arranging transportation for the assessors to and from the airport and during their stay in the City. One agency vehicle shall be made available for this purpose.
3. Unit personnel shall be available during all times that assessors are reviewing the Department and shall assure that all areas noted by the assessors are corrected to comply with standard requirements

B. On-Site Inspection

1. On-Site Inspections shall be held in accordance with all accrediting body guidelines for this activity. For further details, refer to the accrediting body manuals which are on file in the Accreditation office.
  - a. Additional procedures for scheduling and assisting with the on-site inspection that are not covered in the accrediting body manual are listed in this directive under the heading of Mock-Inspections.

**215.08**      **TRACKING COMPLIANCE**

A. Reports

1. Computerized files will be kept to track all areas of compliance as listed below. Access to the Accreditation files is limited to unit personnel, the Chief of Police, Deputy Chiefs and all department Captains. Only the Chief of Police and Unit personnel have change or delete capabilities. Additional persons may be granted access to the files on a case-by-case basis and only with the approval of the Unit Commander and the Chief of Police.
2. Reports requirements and due dates will be entered into Microsoft Word. Unit personnel shall be notified by memo as to what reports are due and due dates.

B. Filing

1. The following files shall be maintained by Unit personnel and shall be updated at a minimum of once per month:
  - a. Standard Compliance Files shall contain all items listed in section 215.06 in this directive.
  - b. Research files - These files shall contain all pertinent research material for those directives that are presently approved and in effect. Out of date material shall be archived for a period of five (5) years in the Property Section of the Police Department and then destroyed or microfilmed at the direction of the Chief of Police and in accordance with the Records Retention Act.
  - c. The Planning and Training Unit shall maintain training files.
  - d. Communications files shall contain all letters, memorandums, and other communications regarding Accreditation and shall be maintained for a period of five years.
  - e. Miscellaneous files include information in regards to accrediting body conferences and activities of this Unit. These files shall be maintained for a period of five (5) years.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 24, 2007

C. Access to Files

1. Access to any computerized or manual files shall be limited to the Chief of Police, Deputy Chiefs of Police, Unit personnel, and those authorized by the Chief of Police. Review of these files must take place in the Accreditation Office, during the regular working hours of the Unit.
  - a. This does not include Department Policies or any material listed in the Records Retention Act as public information.

215.09 LINE INSPECTIONS

It is the policy of the Gallup Police Department to conduct frequent inspections of facilities, equipment, personnel and operational guidelines to ensure the proper, effective and efficient operation of the Police Department.

These inspections are normally performed by the first line supervisor with a frequency that ranges from daily to annually. However, supervisors at all levels are responsible for conducting inspections.

215.10 INSPECTION OF FACILITIES

- A. Facilities will be inspected daily for security, damage and cleanliness. Inspection will also include maintaining an environment free from all forms of sexual harassment. During normal business hours, each respective Bureau, Division, Section, Team, or Unit Commander and/or supervisor will be responsible for these inspections. After hour inspections will be made by the on duty commanders/supervisors.
- B. Any commander or supervisor who discovers an unsecured or unsafe condition will submit a written memorandum.
- C. Facilities or equipment that is discovered to be in a state of disrepair shall be reported verbally, or in writing to the Police Department Personnel/Budget Administrator, who will prepare a work order to effect repairs.
  1. This includes minor problems such as burned out bulbs, inoperative locks, and other items that have not been damaged through negligence.

215.11 INSPECTION OF EQUIPMENT AND AGENCY PROPERTY

- A. The property management function for equipment specifically assigned to area component lies with the component commander.
- B. The Commander or his/her designee, shall inspect all of his/her unit's stored property at least once per month to ensure that the stored property is maintained in a state of operational readiness which includes care, cleaning and preventive maintenance.
- C. A written report (memorandum) shall be submitted to the office of the Chief of Police whenever damage to agency property is discovered.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 24, 2007

215.12      **LINE INSPECTIONS**

- A. Supervisors shall be aware of the condition of their subordinate's uniforms and/or appearance and equipment. Informal inspections will be made daily, during regular briefings to assure that all personnel maintain uniforms and equipment in accordance with Department policy and procedure.
- B. Formal line inspections of all personnel, assigned vehicles, and assigned equipment shall be conducted on a monthly/yearly basis. Line inspections include, but are not limited to:
  - 1. Physical inspection of assigned vehicle and all equipment;
    - a. This inspection shall include verification of mileage and scheduled preventative maintenance.
  - 2. Uniform inspection; and
  - 3. Weapons Inspection.
- C. The inspecting commander/supervisor shall personally complete a Personnel/Vehicle Inspection form for each person under his/her command or supervision.
  - 1. The completed forms shall be kept on file in the area office for a period of one (1) year for use in personnel evaluations.
- D. All administrative personnel shall be responsible for maintaining their uniforms, equipment, and vehicles in accordance with Department Directives.
  - 1. Written inspection reports are not required, however, any deficiencies will be addressed immediately, and corrected within three days of noted deficiencies.
  - 2. Repeated infractions or failure to correct deficiencies within the three-day period shall be documented, and non-compliance may be cause for progressive disciplinary action, as outlined in this Directive.

215.13      **SUB-STANDARD INSPECTIONS**

- A. Personnel are required to maintain an acceptable rating level in regards to inspections.
- B. Officers will be required to correct deficiencies in any category marked unacceptable within three days of the inspection.
- C. The Commander/Supervisor will re-inspect officers after the three (3) day period to assure compliance.
- D. Personnel who repeatedly fail to maintain their uniform, assigned vehicle, or equipment in the required manner are subject to progressive disciplinary action as outlined in the Department Directive entitled, "Disciplinary Procedures".
- E. If Commanders/supervisors encounter situations in which equipment or vehicles are found to be in an unsafe condition, the equipment or vehicle will be deadlined and a replacement found. There will be no deviation from this portion of the Policy.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

216.00

**DUTY ASSIGNMENTS AND TRANSFERS**

The Department shall select personnel for assignment based on the following criteria.

**DEFINITIONS:**

**RELATIVE**

For the purposes of this section, "relative" includes, but is not necessarily limited to: husband, wife, significant other, son, daughter, mother, father, sister, brother, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, aunt, or uncle.

**RULES AND PROCEDURES:**

**216.01      GENERAL PROVISIONS**

- A. The Chief of Police retains the right to assign the personnel of this Department as the needs of the Department dictate.
- B. Department Memoranda will be issued at the direction of the Chief of Police, to announce the anticipated filling of newly created positions or vacant positions that require inter-division transfer of personnel. Each such memorandum will include minimum qualifications for the announced position, a deadline for personnel to submit a transfer request, and any document(s) required.
- C. Each circular will contain the opening date for submitting requests, the closing date for submitting requests, and the minimum qualifications required by the position. The circular will also contain a short synopsis of the duties of the position and the working conditions for the position, such as days off, odd shifts, etc.
- D. The information for the circular will be provided to the Chief's Office by the supervisor having the opening under their command.
- E. Requests for transfer will be addressed to the Chief of Police and shall:
  - 1. Include the requesting person's qualifications for the position.
  - 2. Be forwarded through the requesting person's chain of command.
- F. Ample space shall be provided at the bottom of the last page of the request, so that supervisors reviewing the request may make written acknowledgment of their review and make written comments.
- G. The Chief of Police shall deliver all requests to the Division Commander having the vacancy.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- H. The Division Commander having the vacancy will then ensure that all applicants are personally interviewed at a meeting attended by two or more supervisors from that Division/Bureau.

Interviews will focus on the applicant's knowledge of the job requirements and duties, law enforcement procedures, qualifications, and any special considerations for the specific job.

- J. If the interviews are conducted at the direction of the Division Commander, and no candidate completes the process satisfactorily, the Division Commander may request that the Chief of Police re-post the circular and that applications of interest be taken for a second round of interviews.

- I. When a vacancy for a sworn position has been announced and no one makes a request to fill the position, the Chief of Police will be asked to fill the position from the ranks of those minimally qualified for the position.

The Division Commander having the vacancy will, after conferring with the interviewers, address a memorandum to the Chief of Police, through the chain of command, rank-ordering the applicants from most to least desirable to fill the vacancy. Comments regarding the rankings should be included. The Chief of Police will then make the final decision.

- I. Any intra-divisional transfer resulting in a change of work hours or days off shall require five (5) days written notice unless mutually waived, or unless emergency needs of the Department dictate otherwise.



Gallup Police Department  
\* Rules and Procedures \*

Effective date:

216.02      WORK SHIFT DESIGNATION

- A. The designated Patrol work shifts are 12 hours:
  - 1. Day shift: 8:00 a.m. - 8:00 p.m.
  - 2. Night shift: 8:00 p.m. - 8:00 a.m.
  - 3. Swing Shift: 4:00 p.m. - 4:00 a.m.
- B. Shift hours may differ due to manpower analysis and allocation determinations, but in all cases, shall be designed to assure continuous patrol coverage.
- C. Investigations personnel schedules shall be set by their Lieutenant. Shift hours may differ due to manpower analysis and allocation determinations, but in all cases, shall be designed to assure continuous coverage.
- D. Administrative and Investigations personnel shall normally work from 8:00 a.m. to 5:00 p.m., Monday through Friday, with weekends and holidays off.

216.03      PATROL SHIFTS

- A. Patrol shifts consist of:
  - 1. Shift 1
  - 2. Shift 2
  - 3. Shift 3
  - 4. Shift 4
- B. Assignments to patrol shifts are made at the discretion of the Chief of Police based upon manpower needs and the best interests of the Department. Also considered will be the Bidding methods adopted in the Union Contract.
  - 1. Transfers between shifts will be handled in accordance with the Department Directive entitled, "Transfer Policy", and Union Contracts/M.O.U.'s

216.04      PERMANENT SHIFT SELECTION

- A. Patrol shift bid selection occurs every 6 months, taking effect on Monday, following the pay period schedule. Officers shall bid for their shift preference. Shift preference shall be granted based on individual seniority.
- B. Patrol Officers shall be assigned to geographical areas at the discretion of the shift Commander, ensuring that calls for service needs are adequately met.

Gallup Police Department  
\* Rules and Procedures \*

Effective date:

216.05

**AREA ASSIGNMENTS**

A. The following assignments will be made:

1. Officer will be assigned to a specific are.
2. Criteria to be considered for the assignment of officers to areas/beats should include, but are not limited to:

**Manpower**

- The area's workload (Calls for Service), based upon CAD (Computer Aided Dispatching) statistics, Hot Sheet information and first hand knowledge.
- Special problems, hazardous areas and special assignments,
- Shift being worked (time of day, day of week, etc.).

**Weather conditions (snow, rain, etc.)**

- Areas may be subject to change based upon any change in the above criteria.
3. This does not prohibit officers from handling "Calls for Service' in other areas as the need exists.
  4. The Shift supervisor shall designate an officer as an "Early Out" unit, in the absence of a swing officer, to provide for continuous coverage during shift changes

B. Lunch Period:

1. Ensure that a lunch period is scheduled for each employee if the time permits (per union contract).
2. Lunch period may be altered during the course of the shift, as needed.

Effective January 3, 2007

## **217.0 Sleeping Quarters**

In house Sleeping Quarters are available for the purpose of providing Gallup Police Department personnel a safe, warm, secure place to sleep in the event personnel have a great distance to travel and must return for court, training or duty, or in the event of severe weather and road conditions.

Personnel must maintain a professional demeanor when using the quarters, or when the sleeping quarters are in use by other personnel.

### **Definitions**

#### **Sleeping Quarters**

For the purpose of this section, "sleeping quarters" are defined as an area within the police department specifically designated by the Chief as such.

### **Rules and Procedures**

#### **217.01 General Provisions**

Personnel needing to utilize the sleeping quarters shall understand that the quarters are assigned on a first come first serve basis. In addition all personnel wishing to utilize the quarters shall adhere to the guidelines as follows

- A. Notify the on duty supervisor
- B. Secure all weapons in a patrol car or a locked locker
- C. Employees must provide their own bedding
- D. Post a note on the sleeping quarters door stating " Room occupied 1 or 2 times
- E. Keep the sleeping quarters clean
- F. Keep quiet in the sleeping quarters area when in use
- G. Report any stolen, damaged, or missing equipment, to the on duty supervisor immediately

#### **Prohibited Acts**

Prohibited acts include but are not limited to

- A. Smoking
- B. Possession or use of alcoholic beverages, or illegal drugs
- C. Removing department equipment from the sleeping quarters
- D. Allowing unauthorized, or non department personnel to sleep or enter the sleeping quarters area

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 16, 2007

218.00

**TRAINING**

The Department is committed to a continuous process of training by which aptitudes, skills, and abilities of Department personnel are developed and maintained as required by the Standard Operating Procedures manual.

**DEFINITIONS:**

**ADVANCED TRAINING**

That training which is typically new information to an employee and may or may not be core task related or require a special level of expertise.

**IN-SERVICE TRAINING**

General terminology describing any level of required or non-required training that is Law Enforcement related and is specifically generated by, or for Department personnel.

**CONFERENCE/SEMINARS**

Typically those schools or educational functions which may or may not be required but do not meet state certification requirements; therefore, are not training hours which may be added to the state minimum requirements for in-service and advanced training.

**SPONSOR**

Person, group or organization providing training.

**REMEDIAL**

Training to enhance job related skills or improve deficiencies in job related tasks.

**MAINTENANCE TRAINING**

Training which is maintained as required by rule regulation or law in an effort to meet state or Department minimum requirements.

**DEPARTMENT POSTING**

A Department Memorandum addressing school attendance and availability.

**DEPARTMENT TRAINING REQUEST FORM**

A standardized form utilized by all personnel when requesting training.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 16, 2007

RULES AND PROCEDURES:

218.01            **MANDATORY TRAINING**

- A. Every employee, sworn, non-sworn and temporary, shall receive training to meet the requirements of their respective job responsibilities, including the following:
- Orientation to the Department's role, purpose, goals, policies and procedures;
  - Working conditions and regulations;
  - The responsibilities and rights of the employee.
- B. All Officers promoted to supervisory positions shall receive supervisory training commensurate with their position.
- C. Supervisors promoted to command status shall receive command status training.
- D. The Training and Recruiting Unit will assure compliance with NMLEA requirements for maintenance of Police Officer Certification for all sworn personnel.

218.02            **SELECTION PROCESSES**

- A. Selection for attendance at conferences, seminars, schools and in-service training is open to all sworn personnel, unless otherwise specified by the sponsor. Training assignments may be directed on an individual basis without a Department wide posting if:
1. Training is maintenance related or remedial in nature and attendance is required by specified personnel in which case personnel will be directed to attend.
  2. Time is insufficient to process necessary requirements.
  3. There is a sponsor mandated prerequisite.
- B. Non-sworn personnel are eligible for training programs in relation to their current or anticipated assignments.
- C. All sworn personnel are to meet the minimum State of New Mexico In-Service training requirements.
- D. A Department Memorandum (posting) will be issued announcing:
1. Type and/or subject matter of training;
  2. Date, time and location;
  3. Number of positions available;
  4. Criteria for attendance;

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 16, 2007

5. Instructions and deadline for submission of letter of request.
- E. Unless advised otherwise, personnel desiring to attend training will submit a Department Training Request Form requesting their selection and why they feel they are qualified for the training, through the chain of command to the Training Section. This will assure accurate tracking of the education process and required training elements.
1. The Chief of Police or his designee shall make the final selection. The chain of command reviewing the training request will consider the Department needs, as well as individual personnel, professional and personal development needs and desires.
  2. If there is insufficient time to complete the procedures in D and E, personnel will be selected by the Chief of Police or his staff.
  3. Request to attend training shall be submitted as far in advance as possible. Short request notification (less than 3 weeks) may be declined due to the time required to properly process training request, travel arrangements, purchase orders etc.
- F. Personnel selected or assigned to attend specific training are required to attend the training unless advised otherwise by a supervisor. Failure to attend and/or failure to successfully complete selected or assigned training will be evaluated on an individual basis through the chain of command.

218.03            **CIVILIAN PERSONNEL TRAINING**

- A. Training of Civilian Personnel will be the responsibility of the functional component, i.e.: Records, Budget. Documentation of training will be forwarded to the Training Sergeant.
- B. Civilian personnel requiring pre-service and in-service training, i.e.: CSA'S will be assigned to training programs by the Training and Recruiting Unit.
- C. Civilians who are required to answer phones deal with the public or act in a safety related function shall be trained not only on the technical aspects of the function, but also on the importance of the link they provide between the citizen and Department.

218.04            **RECORDS**

- A. The Department will maintain and update training records on each employee, to include:
  - Date and hours of training;
  - Title of training;
  - Instructors and/or agencies presenting the course;
  - Certificates received;
  - Names of personnel receiving the training.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 16, 2007

218.05      **SPECIALIZED TRAINING**

- A. Specialized skill specific training shall be available through in-house training, training programs conducted by other agencies or institutions, or on-the-job training.
- B. Specialized skill specific training shall be provided as follows:
1. Formal Classroom Instruction - designed to develop and/or enhance the skills, knowledge and abilities particular to the specialization or duty assignment.
  2. Policy Review - management, administration and supervision of personnel and support services functions of the unit or duty position are provided through the Department's policies, procedures, rules and regulations specifically related to the function or position.
  3. Supervised on-the-job training.
- C. Positions requiring skill specific training include (this list is not inclusive of all recognized specialized units):
- K-9 Handler;
  - Special Weapons and Tactics Team Member;
  - Detective;
  - Hostage Negotiator;
  - Field Training Officer;
  - Crime Scene Technician;
  - School Resource Officer;
  - Honor Guard;
  - Drug Recognition Expert;
  - D.A.R.E.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

219.00

**BUSINESS TRIPS**

The Department shall provide training opportunities outside of the metropolitan area for sworn and non-sworn personnel. The following procedures will be used as a guide to personnel participating in a business trip.

**RULES AND PROCEDURES:**

**219.01      CITY BUSINESS TRIPS**

- A. Travel outside the City of Gallup, not overnight:
  - 1. May be authorized by the Chief of Police.
  - 2. If a personal vehicle is taken and/or a gasoline credit card is not obtained, mileage will be paid by the City. The use of a personal vehicle must be authorized by the Chief of Police.
  - 3. Travel request letters and all city business leave requests for Department members and employees must be reviewed and signed by the Chief of Police prior to being submitted to the City Manager's office for approval by the City Manager
- B. Upon return, personnel will contact the City Manager's office for reimbursement of expenses.
- C. Travel overnight whether in-state or out-of-state:
  - 1. Requires prior approval by the Chief of Police.
  - 2. If a City vehicle is used, a gasoline credit card shall be obtained from the City Manager's office and mileage will not be paid.
  - 3. If a personal vehicle is taken, mileage will be reimbursed by the City at the current rate per mile. Mileage will be paid to only one person if more than one person goes on the same trip.
  - 4. If public transportation is used, a round trip ticket for the most direct route will be purchased. Airline travel will be either economy or coach fare, if available.
  - 5. Travel request letters and all city business leave requests for Department members and employees must be reviewed and signed by the Chief of Police prior to being submitted to the City Manager's office for approval by the City Manager

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

219.02 REIMBURSEMENT

- A. Out-of-pocket expenses must be validated by receipt.
- B. Will be made in accordance with state law, City ordinance, or City policies and procedures.
- C. Reimbursement will include:
  - 1. Transportation fees to and from the airport or station, to the destination (cab, bus, etc.)
  - 2. Any registration and/or tuition fees which were not paid in advance.
  - 3. Per diem will be paid at the current rate per day for in-state travel and for out of state travel or as authorized by the Chief of Police.

219.03 FREQUENT FLYER PROGRAM

- A. Department Personnel will not use, or cause to be used, Frequent Flyer Program benefits, if available, arising out of duty performance. If benefits are received by any means during the performance of City job duties, assigned personnel will submit any benefit vouchers to their supervisor for disposition.

Effective date: September 15, 2004

220.00

**PERSONNEL PERFORMANCE EVALUATION**

The Department shall achieve the objectives and goals outlined in the Departmental mission statement. The Department must depend on the satisfactory work performance of all personnel. A Performance Evaluation is the measurement of "on-the-job" work product of assigned duties to ensure the best use of available human resources.

**DEFINITIONS:**

**PERFORMANCE EVALUATION FORM**

The evaluation form used by all sworn supervisors for the purpose of rating sworn personnel.

**RULES AND PROCEDURES:**

**220.01          PERFORMANCE EVALUATION SYSTEM**

- A. The system utilized in evaluating the work performance of sworn personnel.
- B. The performance evaluation form is designed to evaluate the knowledge, skills, and abilities specific to the position occupied by the personnel during the rating period and set reasonable, attainable, and measurable goals for subsequent periods.
- C. Performance evaluations will be given consideration when determining questions of promotions, career development, and recommendations for assignments, in-service training, commendations and awards.

**220.02          RATER/SUPERVISOR RESPONSIBILITIES**

- A. The rating supervisor will ensure that the job description is current for the position being rated.
- B. All supervisors preparing any part of the Performance Appraisal will utilize and follow the specific guidelines set forth in the Performance Appraisal Manual.
- C. All completed performance evaluation forms will be reviewed and signed by supervisors in the appropriate chain of command, prior to being submitted to the Chief of Police. Any additional comments made by reviewing supervisors will be made on a separate sheet of paper and attached to the evaluation form.
- D. Personnel performance evaluations will be based on the current rating period only. The prior performance appraisal will be reviewed to determine if satisfactory performance on Goal/Objective(s) has been attained.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 2, 2007

**220.03**      **REVIEW OF PERFORMANCE APPRAISALS**

- A. Performance appraisals will be completed in a timely manner and be reviewed by the rater and personnel in an interview type meeting.
- B. Personnel who receive less than satisfactory appraisals may challenge the ratings and submit documentation in support of their objections to the Watch/Division Commander, or in case of personnel not assigned to a specific Division, to the Chief of Police.
- C. After considering the letter of objection and documentation submitted, the reviewer may sustain the supervisor's appraisal, modify the appraisal, or direct the completion of another appraisal.
- D. The immediate supervisors of the member being evaluated will review the evaluation prior to the employee's review and signature.
  - 1. The supervisory level of review will be limited to the Watch/Division Commander level. This method of review will provide a collaborative management effort in the evaluation process.
- E. Supervisory personnel will establish and set reasonable, attainable, and measurable goals for the subordinate personnel for the next rating cycle. The attainment of the goal(s), or lack thereof, will be addressed in subsequent performance appraisals.
  - 1. In order to evaluate the previous goal standard established for the subordinate, supervisory personnel must review the previous member's performance appraisal.
  - 2. The supervisor and member should attempt to reach mutual agreement on goal establishment, attainment, and maintenance if possible.
- F. Each employee will be counseled at the conclusion of the appraisal relative to career counseling such as advancement, specialization or training appropriate to the employee's position.

**220.04**      **UNSATISFACTORY PERFORMANCE**

- A. Unsatisfactory performance may be demonstrated by a lack of knowledge of laws or procedures to be followed, an unwillingness or inability to perform assigned tasks, the failure to conform to work standards established for the person's rank, grade or position, failure to take appropriate law enforcement action in a matter deserving such attention, lack of response to training, or absence without leave.
- B. In addition to other indications of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance:
  - 1. Repeated poor evaluations.
  - 2. Written record of repeated infractions of rules, regulations, directives, or orders of this Department.

Effective date: September 15, 2004

220.05      TIME SCHEDULES FOR PERFORMANCE APPRAISALS

- A. All personnel will have performance appraisals completed semi-annually by their immediate supervisor, unless otherwise directed by the Chief of Police. Chiefs, Deputy Chiefs and Captains will be exempt from this process.
- B. Performance appraisals, in addition to the semi-annual requirement will be required for the following:
  - 1. Monthly, for probationary personnel.
  - 2. Weekly Evaluation Reports for personnel attending the Regional Academy, and Daily Observation Reports while participating in the Field Training Officer Program.
    - a. At the end of the F.T.O. program, the F.T.O. Sergeant will submit an agency performance appraisal recommending release, extension, or termination, from the F.T.O. program.
  - 3. Quarterly, for members promoted to the ranks of Sergeant or Lieutenant, for the duration of their probationary period.
    - a. At the end of all probationary time periods, the superior officer shall complete an agency performance appraisal and must make a recommendation to the Chief of Police that the subordinate is released, extended, demoted or terminated, based on their probationary performance.
    - b. Upon the initiation of personnel action in which termination, suspension of ten (10) days or more, demotion, or extension of probationary status is recommended by the immediate supervisor, or Bureau Commander.
  - 4. All sworn personnel will be evaluated using the Standardized Performance Evaluation System regardless of assignment.

220.06      EXIT INTERVIEW PERFORMANCE EVALUATION

- A. A Performance Evaluation will be completed and an interview will be conducted with an employee under the following condition:
  - 1. When an employee is being transferred from one Division to another or from one primary assignment to another.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 2, 2007

7. The member(s) selected for temporary promotion will assume all of the duties and responsibilities of the person they are replacing, and will be held accountable for the same.
8. The Chief of Police shall cause a Department Memorandum to be issued in all instances when temporary promotion is effected or terminated.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

222.00

RETIREMENT

The following guidelines will apply to personnel choosing to retire positions with the Department.

RULES AND PROCEDURES:

222.01      RETIREMENT

- A. All sworn and non-sworn personnel shall submit to the Chief of Police a letter of intent to retire no later than one (1) month prior to the effective date of retirement. The letter shall detail the manner in which accrued leave shall be utilized.
- B. The retirement observation shall be coordinated through the Chief's Office. If the retiree is a sworn member, he shall receive a retirement badge and credentials from the Department.
- C. Employee retirement benefits shall be in accordance with the provisions of N.M.S.A. 1978 Section 10-11-1, Municipal Policy Plan 5.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: March 4, 2009

224.00

**DISCIPLINE**

The Department shall ensure that disciplinary action is taken only for just cause and in a timely and consistent manner.

COMPONENTS:

**OBSERVATION OF DEPARTMENT RULES**

The Department maintains a set of rules to encourage high professional standards. All personnel shall observe the Department's rules. The fair and impartial enforcement of the rules serves as a cornerstone for a more professional Department.

**SUPERVISORY RESPONSIBILITY**

Supervisors are charged with the responsibility of initiating corrective action when violations of Departmental or City rules, procedures or policies are violated. Supervisors are also charged with the responsibility of initiating corrective action when violations of the collective bargaining agreements occur.

Prior to initiating disciplinary action, supervisors shall research available records and files including disciplinary files maintained by Internal Affairs as well as attempt to interview all available individuals sharing knowledge of the events upon which the disciplinary action is based.

RULES AND PROCEDURES:

224.01      **VERBAL AND WRITTEN REPRIMANDS**

- A. All supervisors have the authority to issue verbal and written reprimands utilizing the requirements contained in the applicable collective bargaining agreements and the Personnel Rules & Regulations, as applicable.
- B. Verbal and written reprimands will become a part of an officer's permanent Personnel file; however for promotional purpose after the period of 1 year it will not be used against you.
- C. Prior to serving a letter of intent on an employee the supervisor shall forward a copy of the infraction and any proposed discipline up the chain to the Chief. The Chief or designee shall insure that the proposed discipline is in accordance with policy. The Chief or designee will review the discipline file recorded by Internal Affairs to ensure that the action taken is consistent with similar infractions.
- D. After reviewing the proposed discipline the Chief or designee shall approve or deny the action. In all cases where the discipline was approved a copy shall be provided to Internal Affairs for recording.

[illegible]

Date of Document

Date Document  
out of file

Employee initials

Gallup Police Department  
\* Rules and Regulations \*

Effective date: March 4, 2009

224.02            **SUSPENSIONS**

A. Suspensions without pay may be given as follows:

1. Sergeant                    - up to three (3) work days.
2. Lieutenant                - up to five (5) work days.
3. Captain                    - up to ten (10) work days.
4. Deputy Chief              - up to thirty (30) work days.
5. Chief of Police           - up to termination

B. Suspensions without pay will not be removed from the employees personnel file

C. City Legal

The Legal Department is available for consultation and review of disciplinary actions. City Legal may be contacted if directed or authorized by the Chief of Police.

224.03            **PROCEDURE FOR SUSPENSION/DEMOTION/DISMISSAL**

A. Notice of Intent

The supervisor initiating the disciplinary action, following completion of an investigation, shall prepare a "Notice of Intent to Suspend/Demote/Dismiss" utilizing the appropriate form.

The supervisor shall serve the "Notice of Intent to Suspend/Demote/Dismiss" on the employee.

The "Notice of Intent to Suspend/Demote/Dismiss" shall be written on Department stationery utilizing the format on the following page.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: March 4, 2009

EXAMPLE

Date  
Employee  
Gallup Police Department

via Hand Delivery

RE: Notice of Intent to \_\_\_\_\_

Dear Employee:

Pursuant to (Article(s) \_\_\_\_\_ of the collective bargaining agreement between City of Gallup and the City of Gallup Police Officer's Association/Article(s) \_\_\_\_\_ of the collective bargaining agreement between City of Gallup and the White Collar Union/Section \_\_\_\_\_ of the Personnel Rules & Regulations) you are hereby provided notice of my intent to \_\_\_\_\_ your employment as a result of the following:

Set forth all facts upon which you intend to take discipline.

The above-referenced conduct violates (cite provisions of the collective bargaining agreement, Standard Operating Procedures, Personnel Rules & Regulations, State or Federal Law, as appropriate.)

Your conduct and actions were inappropriate, unprofessional and inconsistent with your obligations as a City employee and constitute conduct unbecoming an employee of the Gallup Police Department.

You are hereby notified of your right to a pre-determination hearing. A pre-determination hearing has been scheduled for \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ (AM/PM), in my office. This meeting is to afford you the opportunity to present your reasons why the proposed action should not be taken. You also have the right to grieve the final decision.

\_\_\_\_\_  
Issuing Supervisor  
Signature

This letter was served to me at \_\_\_\_\_ hours, on \_\_\_\_\_, 2004, by \_\_\_\_\_

\_\_\_\_\_  
Signature



Gallup Police Department  
\* Rules and Regulations \*

Effective date: March 4, 2009

224.04            **GRIEVANCE PROCESS**

A. Pre-determination Hearing

The "Notice of Intent to Suspend/Demote/Dismiss" shall set forth the date and time for conducting a pre-determination hearing. The employee receiving the "Notice of Intent to Suspend/Demote/Dismiss" has no obligation to attend the pre-determination hearing. The purpose of the pre-determination hearing is to provide the employee an opportunity to advise the supervisor of the reasons why the intended disciplinary action should not be taken.

B. Notice of Final Action

Following the pre-determination hearing (should the employee elect to avail himself/herself of the hearing) if the supervisor believes that suspension/demotion/dismissal is warranted the supervisor shall issue a "Notice of Final Action of Suspension/Demotion/Dismissal."

C. Step Two Hearing

Following the service of the Notice of Final Action the employee may, if they so choose, request a hearing with the Chief of Police or his designee. This request should be filed in writing with the Chief of Police no more than seven (7) working days after receipt of the Notice of Final Action. The Chief of Police may grant the hearing, or send the employee directly to the City Manager for hearing of the final grievance.

D. Arbitration

Rules and conditions for disciplinary arbitration processes are set down in the contract between the City of Gallup and the Gallup Police Officers Association.

224.05            **OBLIGATIONS**

- A. When a member or employee is scheduled for court during the time he/she is relieved of duty or on suspension, he/she shall be responsible for their appearance. The employee will be compensated for this time.
- B. When a member or employee is scheduled for outside off-duty overtime during his period of suspension or that period he/she is relieved of duty, he/she shall be responsible for notifying the their Captain that he/she will be unable to appear for that assignment.
- C. During a period of suspension, a member or employee shall not wear any identifiable part of the official uniform. He/she shall not act in the capacity of nor represent themselves as police officers in any manner nor perform any off-duty police work.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

225.00

**RELIEF OF DUTY**

The Department shall take immediate action to deal with personnel who are physically or psychologically unfit for duty or who violate Department policies, procedures, and rules or commit other serious offenses or infractions.

**RULES AND PROCEDURES:**

**225.01      RELIEF FROM DUTY BY SUPERVISOR**

- A. Any supervisor or command officer may relieve an employee from duty, with pay, when the supervisor/Commander has good cause to believe the individual is physically or psychologically unfit for duty.
- B. Should personnel be charged with a violation of Department policies, procedures, rules, or a serious offense or infraction, or when it appears that dismissal from employment is likely, a supervisor or Commander may relieve personnel from duty, with pay, pending final dispositions of charges by the Chief of Police.
- C. The Chief of Police may relieve personnel from duty, with or without pay, when he has cause to believe the individual is physically or psychologically unfit for duty.

**225.02      RELIEF FROM DUTY DURING NORMAL WORKING HOURS**

- A. During normal business hours when an immediate relief of duty has been directed by a Commander, the supervisor(s) shall escort the accused to the office of the Chief of Police. The supervisor(s) shall then present the accusation and any documentation to the Chief of Police.

**225.03      RELIEF FROM DUTY AFTER NORMAL DUTY HOURS**

During other than normal business hours when an immediate relief of duty has been directed, the following steps will be followed:

1. The supervisor shall direct the personnel to report to the office of the Chief of Police at 0800 hours the next business day. In the event that several days will pass before the next business day, the supervisor will instruct the violator as to whether or not he shall be permitted to work any intervening shifts. Further, he shall inform the Chief of Police of what has transpired before going off-duty.
2. The supervisor shall completely document all pertinent facts concerning the infraction, the action taken, and his recommendations complete with justification for further action.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

226.00

**INTERNAL AFFAIRS**

This agency shall have a functioning Internal Affairs Unit in operation at all times. The Internal Affairs Unit acts as a staff investigative body, responsible to the Chief of Police, for the purpose of conducting administrative investigations with four major purposes:

1. To assist in maintaining Department integrity.
2. Identify members or employees guilty of misconduct so that they may be retrained or corrected, or, if unacceptable for further law enforcement service, be removed through proper administrative action.
3. Protect innocent sworn and non-sworn personnel.
4. Enable a legal advisor to render professional legal counsel to the Chief of Police or his representatives.

The section establishes the guidelines for conduct of Internal Affairs investigations and the official relationship of the Internal Affairs Unit with all organizational sub-divisions of the Department. Discipline is a function of command. The existence of an Internal Affairs Unit in no way lessens a commanding officer's responsibility. In an effort to ensure that investigations are conducted in a manner which is conducive to good order and discipline, the following guidelines are promulgated.

The guidelines for the investigation of potential violations set down in the section apply to all Departmental supervisors and are to be used when investigating any type of violation which could result in disciplinary action.

**POLICY AND PROCEDURES:**

**226.01**      **INTERNAL AFFAIRS RESPONSIBILITIES & DUTIES**

The Internal Affairs officer is responsible for performing the following duties in accordance with department policies and all applicable laws:

- A. Recording, registering, and controlling all alleged or suspected misconduct complaints against the agency and its employees,
- B. Supervising and controlling the investigation of alleged or suspected misconduct within the department,
- C. Overseeing the investigation of complaints into violations of department policy assigned to personnel outside of the Internal affairs Unit;
- D. Maintaining the confidentiality of the Internal Affairs Investigation;
- E. Maintaining all records pertaining to internal investigations in a secure area within the Internal Affairs Unit.
- F. Take all proper precautions to ensure the security of these records. These records shall be stored separate and apart from personnel records.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

- G. Administering, maintaining and investigating civil actions brought against the department;
- H. Disseminating information to the public on procedures to be followed in registering complaints against agency employees.

**226.02          INVESTIGATIVE FUNCTIONS**

The Internal Affairs Unit, when directed by the Chief of Police, shall conduct administrative investigations and make appropriate reports in cases involving:

- A. Allegations or complaints of misconduct by personnel which, if found to be true, would likely result in disciplinary action. Such investigations will not be initiated except by specific direction of the Chief of Police, and a complaint, affirmed under oath and notarized, is first received by the Internal Affairs Unit.
- B. Allegation of actions or conditions involving breaches of integrity, security, or moral turpitude.
- C. Situations where any person has been killed or seriously injured through the use of deadly force by a member or employee who was on or off-duty.
- D. Situations involving the discharge of a firearm by Department personnel acting in a real or assumed official capacity other than for sport activity or approved firing at the firing range.
- E. Complaints by Department personnel of internal personal harassment, threats, unjust treatment, or false accusations.
- F. Any other incident when directed by the Chief of Police or his designee.
- G. All complaints against the agency or employees of the agency will be recorded, investigated, and adjudicated.

**226.03          COMPLAINT PROCESS**

- A. Any person claiming to be aggrieved by actions of Department personnel may file a written complaint against the Department or any of its personnel.
- B. All complaints must be received by the Internal Affairs Unit not later than ninety (90) days following the date of the alleged incident.
- C. The complaint will be investigated by the Department. The findings of the complaint will be reviewed by the Chief of Police or his designee. The Chief of Police may take any action he deems necessary, including disciplinary action, to complete the disposition of the complaint.
- D. All complaints will be reviewed by the Chief of Police to determine if the complaint merits investigation by the Internal Affairs Unit.
- E. The Chief of Police may elect to launch an investigation into complaints, even if the complainant declines to provide their identification information.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

**226.04            UNAUTHORIZED INVESTIGATIONS**

- A. No member of the Department shall undertake an independent investigation into matters that are being, or have been, investigated by the Department's Internal Affairs Unit; or personnel matters leading to discipline or dismissal. Participation in the below listed activities by anyone not assigned to the Internal Affairs Unit are prohibited.
1. Interviewing employees involved as subjects or witnesses.
  2. Accessing tape recorded or transcribed statements.
  3. Interviewing civilian witnesses involved in the investigation or discipline.
  4. Interviewing employees of other law enforcement agencies involved in the investigation or discipline.

**226.05            RECORDS MAINTENANCE**

- A. All files and reports of investigations by the Internal Affairs Unit are confidential. They are intended for the exclusive use of the Chief of Police, or who he deems necessary. Actual files, Photostats, or abstracts may be released only upon the specific approval of the Chief of Police, or in compliance with a lawful court order; provided, however, personnel shall have the right to review his own Internal Affairs file, along with his own personal representative, after the completion of the investigation, if requested in writing and approved by the Chief of Police.
- B. Risk Management adjusters/investigators must submit a written request to the Chief of Police to review specific case files. Written authorization from Risk Management assigning the investigator and/or the investigator's company to the case must be attached to the request for review.
- C. No one will be permitted to review any Internal Affairs material without authorization from the Chief of Police.
- D. The investigator/adjuster will review the file(s) in a room in the Law Enforcement Center as provided by the Chief of Police. The investigator/adjuster may not make copies of any documents contained in the Internal Affairs file without the consent of the Chief of Police.
- E. Records in the Internal Affairs Unit shall be maintained according to the standards established by the State of New Mexico and the current sworn employees' labor contract.
- F. Internal Affairs case records will be maintained for a minimum period of three (3) years. Cases involved in litigation will be maintained until the litigation process is complete. Those cases not involved in litigation will be destroyed after three years.
- G. The Internal Affairs Unit will be responsible for the systematic purging and disposing of records as outlined above.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

- H. The Chief of Police or the City Attorney may, at their discretion, retain or dispose of Internal Affairs Unit files, regardless of the content of this section.

**226.06 STATEMENTS**

- A. The interview of sworn or non-sworn personnel shall be at a reasonable hour, preferably when that personnel is on-duty, unless the event under investigation dictates otherwise.
- B. The interviews shall take place at a location designated by the investigator.
- C. The sworn or non-sworn personnel shall be informed of the rank and name of the interviewing member and all persons present during the interview. If those personnel are directed to leave his post and report for an interview, his watch Commander or immediate supervisor shall be promptly notified of his whereabouts by the investigating member.
- D. The sworn or non-sworn personnel shall be informed of the nature of the investigation before any interviewing commences, including the name of the complainant. The address of the complainant and/or witnesses need not be disclosed; however, sufficient information to reasonably apprise sworn or non-sworn personnel of the allegations should be provided. If it is known that the personnel being interviewed is a witness only, he should be so informed at the initial contact. He shall also be informed that statements may not be used against him in a criminal proceeding. If sworn or non-sworn personnel are not informed of the nature of the investigation and the name of the complainant, he shall not be required to answer any questions until he is so informed.
- E. The questioning shall not be overly long. Reasonable respites shall be allowed. Time shall also be provided for personal necessities, meals, telephone calls, and rest periods as are reasonably necessary. Time limitations for interviews set down in the labor agreement between the City of Gallup and the Gallup Police Officers Association will be followed.
- F. Sworn or non-sworn personnel shall not be subjected to any offensive language, nor shall he be threatened with transfer, dismissal, or other disciplinary action by any member of the Internal Affairs Unit. However, he shall be informed at the outset of the interview that any personnel found to be knowingly withholding evidence or information pertaining to an investigation will be subject to disciplinary action or dismissal. No promises of reward shall be made as an inducement to answering questions.
- G. Interviews shall be limited in scope to activities, circumstances, events, conduct or acts which are relevant to the incident which is the subject of the investigation. Nothing in this Article shall prohibit questioning the employee about information which is developed during the course of the interview.
- H. The complete interview of the sworn or non-sworn personnel shall be recorded, and may be transcribed. There will be no "off-the-record" questions or statements. All recesses called during the questioning shall be noted on the recording. The tape recording shall be preserved and may



Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

- be introduced at hearings, in the event the employee declines to sign the verbatim transcript of the recording.
- I. If the employee is under arrest or is likely to be, he shall be given his "Miranda" rights.
  - J. A copy of the complainant's statement will be provided to the Risk Management investigator/adjuster upon request.
  - K. Copies of statements made by witnesses may also be provided to the Risk Management investigator/adjuster upon request.
  - L. A copy of the statement made by sworn or non-sworn personnel will be provided only to those sworn or non-sworn personnel upon the employee's request.
  - M. The sworn or non-sworn personnel may then provide a copy of their statement to the Risk Management investigator and, "stand on their statement", rather than having to spend time going through a lengthy interview/statement session.
  - N. Internal Affairs will not provide Risk Management with copies of a sworn or non-sworn personnel's statement(s). Such requests can only be granted by the individual personnel.
  - O. A copy of any statement made by sworn or non-sworn personnel, who is the subject of the complaint, will be provided to those personnel upon request. Prior to the concerned personnel submitting to an interview or providing a Risk Management investigator with any information, they may consult with an attorney.
  - P. Sworn or non-sworn personnel should not submit to interviews or provide copies of statements until they are sure that the individual contacting them has been assigned to the case and is authorized to have access to that information.

226.07      **SUPERVISORS RESPONSIBILITIES**

- A. Supervisors will initiate investigations of breaches of conduct of personnel under their direction when a suspected infraction is observed or allegation is tendered to them, regardless of the source of the complaint or allegation.
- B. Supervisors who fail to initiate an investigation or take appropriate action when infractions are observed or reported to them will be subject to disciplinary action or dismissal.
- C. Supervisors who use inappropriate disciplinarily tactics will be subject to disciplinary action or dismissal.
- D. Alleged or suspected violations of law, rules and regulations and/or misconduct by sworn or non-sworn personnel shall be reported in writing to the Internal Affairs Unit by the supervisor, by the next business day after receiving information indicative of serious misconduct. A copy of that written report shall be forwarded by the writer, through his chain of

Gallup Police Department

\* Rules and Procedures \*

Effective date: June 12, 2007

command, to the Chief of Police, promptly. The supervisor of the Internal Affairs Unit shall then communicate with the Chief of Police, to insure that prompt, appropriate action is being taken. In all serious situations involving Department personnel, the supervisor shall immediately notify the Internal Affairs Unit. This obligation is waived in those cases where a supervisor has direct knowledge that a written report of the same incident or allegation has already been submitted. This waiver does not relieve a supervisor from the requirement to submit any other reports or information called for in the course of the investigation.

E. The following categories of offenses/allegations need not be reported to the Internal Affairs Unit, but will be reported to the appropriate supervisor: (The minor incidents hereinafter set forth are not intended to be all inclusive.)

1. Tardiness in reporting for duty.
2. Improper wearing of the uniform.
3. Failure to carry and/or maintain official equipment.
4. Non-fatal traffic accidents.
5. Complaints and allegations relative to differences of opinion between personnel and citizens over issuance of a citation, unless there is an allegation of violation of law or Department order on the part of sworn or non-sworn personnel.

226.08      INTERNAL AFFAIRS INVESTIGATIONS

- A. Internal Affairs activities are limited to investigations only; recommendations are the prerogative of supervision.
- B. Following the completion of the investigation, the Chief of Police will review the case and may consider the comments or recommendations of supervisors under his direction.
- C. The Chief of Police, after reviewing the complete investigation, will classify the case as one of the following:
1. Non Sustained - The investigation failed to produce a preponderance of evidence to either prove or disprove the allegation.
  2. Exonerated - The incident in fact did occur but the actions of the agency employee were legal, justified, proper and in accordance with the law and the agency policy and procedure.
  3. Unfounded - The allegation concerned an act by an agency employee which did not occur.
  4. Sustained - The investigation produced a preponderance of evidence to prove the allegation of an act which was determined to be misconduct.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

- D. An investigation may lead to a finding of sustained when the investigation documents misconduct not based on the complaint. Such misconduct may be in the form of administrative errors or failure to comply with policy.
- E. Complainants and concerned sworn or non-sworn personnel will be notified by the Internal Affairs Unit of findings within seven (7) days after final disposition of their case. The complainant shall be notified of the investigation outcome by mail, at the complainant's last known address.
- F. To avoid conflict or possible interference, it is vital members of the Internal Affairs Unit and other sworn or non-sworn personnel involved in investigations that are of mutual concern understand their official relationships.
- G. The Internal Affairs investigation is aimed primarily at determining the facts and circumstances relating to sworn or non-sworn personnel's conduct and Internal Affairs may call upon other units of the Department for support.
- H. The activities of the Internal Affairs Unit and those of criminal investigators may overlap in many areas. In those instances, the individuals involved should work in harmony in the best interests of determining the truth.
- I. In no case will any sworn or non-sworn personnel assigned to the Internal Affairs Unit furnish criminal investigators with statements or information that would violate any section of this manual.
- J. All complaints received in the Internal Affairs Unit should be reviewed by the Internal Affairs Commander. If the complaint could result in criminal charges, no sworn or non-sworn personnel assigned to the Internal Affairs Unit will interview employees who are potential witnesses or defendants in criminal actions prior to the completion of the criminal investigation.
- K. When an Internal Affairs Investigation indicates that sworn or non-sworn personnel is likely to be charged with a criminal offense, the Internal Affairs Investigator will immediately notify the Chief of Police, or his designee, so that prompt coordination can be accomplished between the Internal Affairs Unit and criminal investigators.

226.09      **INVESTIGATIVE EXAMINATIONS**

- A. The Chief of Police can, by written directive, order any sworn or non-sworn personnel to submit to any deception detection examination or technique, including, but not limited to, the following types: mechanical, medical, or psychological.
- B. Deception detection examinations shall be employed only after all other reasonable investigative leads have been exhausted and under most circumstances the complaining party has successfully passed a similar examination.
- C. Any superior can order any subordinate to deliver or make available to him for examination any Department owned property, document, or other item felt by the superior to be beneficial in any investigation.

Effective date: June 12, 2007

226.10      **EMPLOYEE REPRESENTATION**

- A. In all non-criminal cases, the law imposes no obligation, legal or otherwise, on the Department to provide an opportunity for sworn or non-sworn personnel to consult with counsel or a personal representative when questioning by a superior or an Internal Affairs member about his employment or matters relevant to his continuing fitness for law enforcement service takes place. Nevertheless, in the interest of fundamental fairness, the Department shall afford for a sworn or non-sworn personnel, if he so requests, to consult with counsel or a personal representative before being questioned, provided the interview is not unduly delayed. Counsel, if available or a personal representative of his choice may be present during the interrogation.
- B. Sworn or non-sworn personnel may have an attorney or personal representative of their choice present during interviews by the Internal Affairs Unit. Counsel or a personal representative shall be limited to one person who shall act only as an advisor to the personnel under investigation. The personnel under investigation may record his interview.
- C. If counsel or personal representative gives advice to his client and interferes in any way with the proceedings, it shall be the prerogative of the assigned investigator or involved supervisor to withdraw permission for counsel to remain.

226.11      **DISCIPLINARY ACTIONS**

- A. Disciplinary actions stemming from Internal Affairs investigations will be issued at the direction of the Chief of Police. The Chief of Police will review all disciplinary recommendations developed by the Chain of Command, but he is not bound by their recommendations.
- B. All supervisors within the employee's Chain of Command will review the completed Internal Affairs Investigation. Upon review of the completed investigation the supervisor will fill out an Internal Affairs Case Review Sheet. On this sheet the supervisor will list all identified violations of the Gallup Police Departments Standard Operating Procedures, and include recommendations for disciplinary action. Supervisors who were called as witnesses or named as targets in the investigation will not review the investigation.
- C. Individual supervisors may not undertake disciplinary action against employees, without the permission of the Chief of Police, once a formal complaint has been received.
- D. In cases involving sustained complaints, no consideration thereto shall be given in reference to promotion, transfer, or other administrative action after one (1) year, from the date of final disposition.
- E. In cases involving a series of non-sustained excessive use of force complaints, the Chief of Police or his authorized representative may direct the involved personnel to attend additional training or non-disciplinary counseling in an attempt to reduce a number of these types of complaints.



Effective date: May 1, 2007

227.00 EARLY WARNING SYSTEM/EMPLOYEE ASSISTANCE PROGRAM

**EARLY WARNING SYSTEM**

The purpose of this directive is to establish policy and procedures for identifying employees that may be experiencing difficulties in the workplace and providing assistance to the employee at early stages of the problem.

Employees are the department's most important resource. Supervisors will make every effort to identify employees whose conduct or behavior adversely affects job performance. They will take steps to resolve the issues in an appropriate manner, consistent with department policy and procedures.

227.01 PROCEDURE

A. First Line Review

1. First line supervisors must be aware of potential problems that may adversely affect an employee's work performance. These potential problems may be identified as, but not limited to this list:

- a. Citizen Complaints
- b. Tardiness
- c. Absenteeism
- d. Motor Vehicle Accidents
- e. Substandard Performance Evaluations
- f. Use of Force Incidents
- g. Disciplinary Actions

- B. Supervisors shall take appropriate action, consistent with department policy and procedure, whenever inappropriate employee conduct is observed. This action shall include a written report following the chain of command to the Chief of Police. A copy shall be forwarded to the Office of Internal Affairs.

1. This report shall include:

- a. Details of the inappropriate conduct.
- b. Witnesses.
- c. Recommended intervention action, e.g. training, discipline, EAP referral, supervisory counseling, etc.

C. Responsibilities of the Division Commander

1. The Division Commander will review all relevant reports from the supervisor and ensure that appropriate remedial action is taken to remedy the problem.
2. The Division Commander or his delegate will forward copies of the relevant reports to the Internal Affairs Section.

D. Responsibilities of the Internal Affairs Section

1. The Internal Affairs Section shall maintain individual files containing the forwarded reports.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 1, 2007

2. The Internal Affairs Investigator shall review the Early Warning Files on a monthly basis and analyze them for trends. If signs of a deteriorating situation are observed the Internal Affairs Commander shall refer the situation to the applicable chain of command for action.

E. Evaluation of the Early Warning System.

1. The Internal Affairs Investigator shall review the Early Warning System for effectiveness on an annual basis. This review would involve an examination of those cases that were referred for intervention and whether the pattern of undesired behavior was corrected. A Report of the review will be forwarded to the Office of the Chief of Police.

227.02      EMPLOYEE ASSISTANCE PROGRAM

An employee assistance program is intended to assist employees who are suffering from persistent problems that may tend to jeopardize the employee's psychological and/or physical well being. The goal of this type of program is to help individuals who have developed problems by providing services for consultation, treatment, and follow up in order to prevent their condition from progressing to a degree that it will prevent the employee from functioning effectively in the work place.

227.04      PROCEDURE

An employee's referral may either be voluntary, in which the employee elects to participate in the program, or it may be a supervisory referral, using agency guidelines. An employee has the option to refuse the referral into the program and has the right to discontinue participation at any time. Appropriate measures shall be taken to ensure confidentiality of records for the employees admitted to the program, according to established agency directives, personnel guidelines and state and federal regulations.

Voluntary self-referral, however, shall not relieve the employee from responsibility for adequate job performance.

Counseling will be provided free of charge to any Department personnel, either individually or when accompanied by a family member. Such counseling will typically be short term (i.e. six visits or less). Any costs for counseling or rehabilitation after the six visits shall be the responsibility of the employee. Questions about the City of Gallup's employee assistance program should be addressed to a supervisor or Alliance of Gallup at 722-9596.

Counseling may be requested outside the normal chain of command and shall remain confidential

Supervisory referrals should include proper documentation to be placed in the employees personnel file, and the proper documentation for disciplinary action should the supervisor deem action necessary. The Supervisor will meet with employee and advise the employee of supervisor's intent to refer him/her to counseling. This can be done by the supervisor calling Alliance and scheduling an appointment for the employee. The employee may or may not choose to keep the appointment. Alliance of Gallup will notify the Supervisor in writing if the employee did or did not keep the appointment. No other information will be given to the supervisor.



Effective date: September 15, 2004

228.00

#### DRUG ANALYSIS

This Department shall maintain a drug free environment through the use of a reasonable employee drug testing program.

#### REFERENCE SOURCES:

##### COLLECTIVE BARGAINING AGREEMENTS

The terms and conditions of drug testing for sworn officers below the rank of Captain are contained in the current collective bargaining agreement between the GPOA and the City.

#### DEFINITIONS:

##### CITY OF GALLUP OPERATOR'S PERMIT TESTING

The terms and conditions of drug testing for Departmental employees who operate a City vehicle requiring a class "E" drivers license are contained in the City's Operator Permit Testing policy.

##### PROBATIONARY EMPLOYEE

For the purpose of this policy only, a probationary employee shall be considered to be any person who is conditionally employed with the Department as a law enforcement officer.

##### SWORN EMPLOYEE

Those employees who have been formally vested with full law enforcement powers and authority.

##### SUPERVISOR

Those sworn employees assigned to a position having a day-to-day responsibility for supervising subordinates, or who are responsible for commanding a work element.

##### DRUG TEST

The compulsory production and submission of urine by an employee in accordance with departmental procedures for chemical analysis to detect prohibited drug usage.

##### REASONABLE SUSPICION

That quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead the reasonable person to suspect that the individual is or has been using drugs while on or off duty.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

RULES AND PROCEDURES:

In addition to the rules and procedures contained in the aforementioned documents, the following rules and procedures shall also be applied:

228.01      GENERAL PROVISIONS

- A. No employee shall illegally possess any controlled substance per New Mexico and Federal Law.
- B. No employee may ingest any controlled substance unless prescribed by a licensed physician or dentist.
- C. Employees shall notify their immediate supervisor when using prescription medicine which may impair one's mental and/or physical performance. The employee shall advise the supervisor of the known side effects of such medication and the prescribed period of use.
- D. The employee may be temporarily assigned to other duties during the time he or she is required to take the prescribed medication.
- E. No employee shall ingest any prescribed or over-the-counter medication in amounts beyond the recommended dosage.
- F. Any employee who on-duty unintentionally ingests, or who is forced to ingest, a controlled substance shall immediately report the incident to his immediate supervisor so that the appropriate medical steps may be taken to ensure the employee's health and safety.
- G. Any employee having actual knowledge that another employee is illegally using or possessing any controlled substance shall promptly report the facts and circumstances to their immediate supervisor.
- H. Discipline of employees for violation of this policy shall be in accordance with the terms of the applicable collective bargaining agreement of the Personnel Rules & Regulations.

228.02      APPLICANT DRUG TESTING

- A. Applicants for the position of sworn law enforcement officer shall be required to take a drug test as a condition of employment during a pre-employment medical examination.
- B. Applicants shall be disqualified from further consideration for employment under the following circumstances:
  - 1. Refusal to submit to a required drug test, or
  - 2. A confirmed positive drug test indicating drug use prohibited by this policy.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

**228.03**      **PROBATIONARY EMPLOYEES**

- A. All probationary employees shall be required as a condition of employment to participate in any unannounced mass/mandatory drug tests scheduled for the probationary period. The frequency and timing of such tests shall be determined by the Chief or his designee.
- B. In addition, where the probationary employee has a past history of drug use, he shall be required to submit to random testing until the probationary period is successfully completed. The frequency and timing of such testing shall be determined by the Chief or his designee.

**228.04**      **Employee Drug Testing**

- A. Sworn officers will be required to take drug test as a condition of continued employment in order to ascertain prohibited drug use, as provided below:
  - 1. A supervisor may order an employee to take a drug test upon documented reasonable suspicion that the employee is or has been using drugs. A summary of the facts supporting the order shall be made available to the employee prior to the actual test.
  - 2. A drug test will be administered as part of any regular physical examination required by this department.
  - 3. All sworn officers shall be uniformly tested during any unannounced, mass/mandatory testing required by the Department.
  - 4. The Chief or his designee shall determine the frequency and time of such tests.
  - 5. Testing will be done on a unit-by-unit basis.
- B. A drug test shall be considered as a condition of application to the specialized units within the Department, and shall be administered as part of the required physical examination for that position.

**228.05**      **DRUG TESTING METHODOLOGY**

- A. The testing or processing phase shall consist of a two-step procedure:
  - 1. Initial screening test
  - 2. Confirmation test
- B. The urine sample is first tested using the initial drug screening procedure. An initial positive test result will not be considered conclusive; rather, it will be classified as "confirmation pending". Notification of test results to the supervisor or other departmental designee shall be held until the confirmation test results are obtained.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- C. A specimen testing positive will undergo an additional confirmatory test. The confirmation procedure shall be technologically different and more sensitive than the initial screening test.
- D. The drug screening tests selected shall be capable of identifying marijuana, cocaine, and every major drug of abuse including heroin, amphetamines and barbiturates. Personnel utilized for testing will be certified as qualified to collect urine samples or adequately trained in collection procedures.
- E. Concentrations of a drug at or above the following levels shall be considered a positive test result when using the initial immunoassay drug screening test.

	Initial Test Level (ng/ml)
Marijuana.....	100
Cocaine metabolite .....	300
Opiate metabolites .....	300*
Phencyclidine.....	25
Amphetamines. ....	1000

• 25ng/ml if immunoassay-specific for free morphine.

Concentrations of a drug at or above the following levels shall be considered a positive test result when performing a confirmatory GC/MS test on a urine specimen that tested positive using a technologically different initial screening method.

Confirmatory  
Test Level

	(ng/ml)
Marijuana metabolite.....	15"
Cocaine metabolite .....	150**
Opiates:	
Morphine .....	300+
Codeine.....	300+
Phencyclidine .....	25
Amphetamines:	
Amphetamine.....	500
Methamphetamine.....	500

- \* Delta-9-tetrahydrocannabinol-9-carboxylic acid  
\*\* Benzoyllecgonine  
+ 25ng/ml if immunoassay-specific for free morphine

- F. The laboratory selected to conduct the analysis shall be experienced and capable of quality control, documentation, chain of custody, technical expertise and demonstrated proficiency in urinalysis.
- G. Employees having negative drug test results shall receive a memorandum stating that no illegal drugs were found. If the employee requests such, a copy of the letter will be placed in the employee's personnel file.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- H. Any employee who breaches the confidentiality of testing information shall be subject to discipline.

228.06 CHAIN OF EVIDENCE - STORAGE

- A. Each step in the collecting and processing of the urine specimens shall be documented to establish procedural integrity and the chain of custody.
- B. Where a positive result is confirmed, urine specimens shall be maintained in secured, refrigerated storage for an indefinite period.

228.07 DRUG TEST RESULTS

- A. All records pertaining to Department required drug tests shall remain confidential, and shall not be provided to other employers or agencies without the written permission of the person whose records are sought.
- B. Drug test results and records shall be stored and retained in compliance with the state law or for an indefinite period in a secured area where there is no applicable state law.
- C. If the test result are negative, the Chief or his designee shall notify both the employee and his/her supervisor to that effect, and the employee shall be returned to work at the inception of the employee's next regularly scheduled work shift unless other disciplinary action is pending.
- D. If the results are positive, the Chief or his designee shall consult with the impacted employee and determine the validity of the result.

228.08 CITY OPERATOR'S PERMIT TESTING

- A. No employee or other individual shall operate or drive City vehicles or equipment which requires either a State or New Mexico commercial class or class E driver's license without a valid and current City/Vehicle Equipment Operator's Permit issued to the individual by the City's Risk Management Department.
- B. This permit will not be issued to any individual who is expected to operate or drive vehicles or equipment which require the Class E or Commercial Class driver's license unless he/she has submitted to and passed a substance abuse test administered by a laboratory designated by the City.

Gallup Police Department  
\* Rules and Regulations \*

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Effective date: September 15, 2004

- C. Employees must notify their supervisor to arrange for the substance abuse test within sixty days prior to the expiration of their current State of New Mexico Class E or Commercial Class driver's licenses. The supervisor shall notify the Personnel Department which shall schedule the employee for an appointment with the City's Employee Health Center. If the employee fails the substance abuse test, he/she may appeal the results to the City's Medical Review Officer whose determination regarding the test result shall be final.
- D. A positive test, or refusal to submit the test, shall result in termination of the employee.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

229.00

**COMMUNICABLE DISEASES**

This Department shall maintain a system of standard operating procedures which will lessen or prevent the exposure of its members to infectious or communicable diseases.

DEFINITIONS:

**UNIVERSAL PRECAUTIONS**

Precautions to be taken in all similar situations, i.e. wearing a mask, wearing gloves, etc.

**COMMUNICABLE DISEASE**

A communicable disease is any infectious disorder or illness capable of being transmitted to another person by contact with an infected individual, or their body fluids.

**BODY FLUIDS**

Blood, saliva, urine, feces, semen, or other body fluid.

**CONTAMINATION**

When an article of clothing, skin, or eyes becomes soiled or touched by a body fluid.

RULES AND PROCEDURES:

229.01      **MANDATORY PRECAUTIONS TO BE TAKEN AT ALL CRIME SCENES:**

- A. No person will be allowed to eat, drink, use tobacco, chew gum or apply makeup while at an incident scene.
- B. All personnel will wear latex gloves and protective face masks, when working on scenes where body fluids are present. Gloves shall be changed if torn or soiled, and must be removed prior to leaving the scene, even if leaving only temporarily.
- C. While at the scene, personnel should use inexpensive pens or pencils. (Items that may be disposed of prior to leaving the scene.)
- D. After removing gloves, personnel must wash their hands with a sterilized solution of appropriate strength.
- E. Personnel responding to a scene where communicable diseases may be present will take a heavy duty plastic bag where disposable items may be placed. These items will then be turned over to Criminalistics for proper disposal.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- F. If any item of a sworn personnel's clothing or shoes becomes contaminated while at a scene, it should be changed as soon as possible. When these arrangements can be made, they should be decontaminated prior to leaving the scene. In no event should sworn personnel take uniforms, clothing or shoes into their homes before they have been decontaminated.

229.02      **NEEDLES AND SHARPS**

- A. Contaminated needles or other sharp objects will not be bent, recapped or removed unless no alternative is feasible.
- B. As soon as possible, contaminated sharps will be placed in sharps containers. These will be maintained by the jail.
- C. Contaminated needles will not be left at any scene, but will be properly disposed of.

229.03      **CONTAMINATED EVIDENCE**

- A. All evidence collected at a scene, which contains body fluids, or that have been soiled by body fluids, shall be treated as if it has been contaminated. In situations where it is known that the evidence or other collected item is contaminated, the evidence bag shall be appropriately marked to identify what information is known regarding the contamination. All universal precautions apply.
- B. All evidence collected which is wet or damp from contact with blood or other body fluids must be air-dried prior to being bagged and submitted to the Evidence Section.
- C. Specimens of blood or other potentially infectious materials will be placed in containers which prevent leakage during collection, handling, processing, storage, transport, and shipping.
- D. If outside contamination of the primary containers occurs, it will be placed within a second leak proof container. This will also be done if the evidence punctures the containers.

229.04      **EVIDENCE DISPOSAL**

- A. Contaminated sharps will be disposed of immediately in closable, puncture resistant, leak proof, designated containers.
- B. Sharps containers will be easily accessible and not allowed to overfill.
- C. Sharps containers will not be opened.
- D. Other potentially contaminated waste will be disposed of in leak proof and properly labeled containers.
- E. Disposal will be in accordance with federal, state, and local standards.

Effective date: September 15, 2004

229.05            **CONTAMINATED LAUNDRY**

- A. Will always be handled as little as possible.
- B. Will be bagged without sorting or rinsing, in bags that are leak proof and properly labeled.
- C. Personnel who have contact with the contaminated laundry will wear gloves and appropriate PPE's.
- D. Routine laundering of contaminated laundry is permissible using detergent and 160 degree water.

229.06            **BIOHAZARD WARNING**

- A. The standard biohazard symbol will be affixed to:
  - 1. Containers of regulated waste, refrigerators containing blood and other potentially infectious materials.
  - 2. All containers used to ship, transport, or store potentially infectious materials. Red bags and tags may be substituted for labels.
  - 3. All federal, state, and local laws are to be observed.

229.07            **TRANSPORTATION PROCEDURES**

- A. Individuals who have blood or other body fluids exposed on their person shall be transported separately from other individuals.
- B. Police Officers who are transporting an individual as described above shall contact their supervisor and inform them of the details of the situation.
- C. If Police Officers have a self-admitted carrier of a communicable disease in custody, they shall inform Communications, who shall inform the jail of the same before the prisoner is taken into the jail.

229.08            **PERSONAL HYGIENE**

- A. If contact is made with potentially infectious materials, employees will wash their hands and any exposed skin with a sterilized solution of appropriate strength as soon as possible.
- B. Employees will flush any mucous membranes that have been exposed to potential infection as soon as possible.
- C. All procedures involving body fluids will be performed in such a way as to minimize spraying, splashing, or spreading fluids.
- D. All persons assisting at post-mortem procedures will wear gloves, masks, protective eye wear, gowns, and waterproof aprons.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

229.09      HOUSEKEEPING

- A. All equipment and work areas which may have become contaminated will be decontaminated as soon as possible.
- B. Routine cleaning of all vehicles used in transportation of potentially infected persons is mandatory.
- C. All surfaces exposed to infectious materials will be washed with a sterilized solution of appropriate strength as soon as possible.
- D. All bins, pails, or similar receptacles which will be re-used will be decontaminated on a regular basis and after any contact with potentially infectious materials.
- E. Contaminated broke glass will be picked up by mechanical means only.

229.10      REPORTS ON COMMUNICABLE DISEASE

- A. Department personnel should use every resource available in an attempt to verify whether or not an individual is a carrier of an infectious disease before any information concerning their possible condition is written down. An incorrect assumption regarding their condition (if it were released inappropriately) would create a liability for the Police Department as it could be construed as a compromise of the individual's right to privacy. DO NOT GUESS; be sure of your information before reducing any information to writing.

229.11      SUPERVISORS RESPONSIBILITIES

- A. Supervisors will contact Risk Management as soon as possible to report any incident where an employee may have been exposed to a communicable disease.
- B. A first line injury report will be completed on any incident where exposure may have occurred. The report must be forwarded to Risk Management according to their requirements.
- C. The Department communicable disease contact person will be notified.

GALLUP POLICE DEPARTMENT  
\* RULES AND REGULATIONS \*

Effective date: June 22, 2011

**230.00 POLICE MOBILE DIGITAL VIDEO RECORDING EQUIPMENT**

It is the policy of the Gallup Police Department to provide personnel with guidelines for the use of use of mobile digital video/audio recording equipment. The guidelines are set forth in this policy in order to maximize the effectiveness of this equipment.

**230.01 PROCEDURES**

Mobile digital video/audio recording equipment has proven to be of value in the prosecution of traffic violations and related offenses, and in the evaluation of officer's performance, as well as training. Mobile digital video equipment has also been effective in protecting the officer from false claims of improper conduct, and other frivolous claims.

**230.02 GENERAL GUIDLINES**

The department has adopted the use of Mobile digital video/audio recording system in order to accomplish several objectives, including;

- A. Accurate documentation of events, actions, conductions, and statements made during arrests and critical incidents, thereby enhancing officer's reports, and collection of evidence, and testimony in court.
- B. The enhancement of the department's ability to review probable cause for arrest procedures, officers and suspect interaction, and evidence for investigation purposes, as well as for officers evaluation and training.
- C. Digital video/ audio equipment installed in vehicles is the responsibility of the officer assigned to that vehicle and will be maintained according to manufacturer's recommendations.
- D. At the beginning of each shift, officers shall determine wether their Digital video/ audio equipment is working properly and shall notify their supervisor any problems as soon as possible.
- E. Officers should make every attempt to ensure that the camera is properly positioned and adjusted to record events that are perceived to be important.
- F. Officers working night shift or in low light weather conditions shall set the camera to night setting at the beginning of their shift.
- G. Officers shall turn off their vehicles am/fm radio while camera/ recording equipment is in use.
- H. Officer shall turn on their wireless while camera recording system is engaged.



**GALLUP POLICE DEPARTMENT  
\* RULES AND REGULATIONS\***

Effective date: June 22, 2011

- I. Officers shall not override the automatic camera initiation upon turning on emergency equipment.
- J. Officers shall burn a disk copy of all driving while intoxicated incidents before the end of their shift.

## **DIGITAL VIDEO CAMERA**

The following steps are necessary to successfully request and burn your DWI onto disk;

1. Log onto the L-3 communications flash back lo in and enter your user name and password once this is entered click on the submit box.
2. Click on the search video located on the top left / blue colored box.
3. Enter your unit number, your name or date of offence.
  - If you were using were using a loaner unit or another officer's unit at the time of the offence then you will need to search that unit number.
4. Click on search located on the bottom left / grey colored action menu.
5. Use the blue colored numbers on top of the search results page to find your traffic stop by date and time located on then right side.
6. Click on the small "I" icon once you have found your traffic stop.
7. Click on create case from the blue colored menu.
8. Edit case detail page, from here you enter your traffic stop information in the following order;
  - a. Owner: your name
  - b. Display name: DWI/ suspect name
  - c. Incident date: use slashes 00/00/00
9. Click saves on the grey colored action menu.
10. Case details page click add video on grey colored action menu.
11. Click on next located on the grey colored action menu.
12. Case details page click auto export located in the grey colored action menu. (you will see a message in Blue advising your auto export request has been made)
13. Pick up you burn DVD in the CSI officer during regular business hours.



GALLUP POLICE DEPARTMENT  
\* RULES AND REGULATIONS\*

Effective date: October 12, 2006

## DIGITAL VIDEO CAMERA

The following steps are necessary to successfully request and burn your DWI onto disk;

1. Log onto the L-3 communications flash back lo in and enter your user name and password once this is entered click on the submit box.
2. Click on the search video located on the top left / blue colored box.
3. Enter your unit number, your name or date of offence.
  - If you were using were using a loaner unit or another officer's unit at the time of the offence then you will need to search that unit number.
4. Click on search located on the bottom left / grey colored action menu.
5. Use the blue colored numbers on top of the search results page to find your traffic stop by date and time located on then right side.
6. Click on the small "T" icon once you have found your traffic stop.
7. Click on create case from the blue colored menu.
8. Edit case detail page, from here you enter your traffic stop information in the following order;
  - a. Owner: your name
  - b. Display name: DWI/ suspect name
  - c. Incident date: use slashes 00/00/00
9. Click saves on the grey colored action menu.
10. Case details page click add video on grey colored action menu.
11. Click on next located on the grey colored action menu.
12. Case details page click auto export located in the grey colored action menu. (you will see a message in Blue advising your auto export request has been made)
13. Pick up you burn DVD in the CSI officer during regular business hours.

Effective date: September 15, 2004

232.00

**PSYCHOLOGICAL SERVICES**

This Department shall provide psychological services to all employees. Such services shall include, but are not limited to, counseling, psychological testing, consultation, crisis intervention and training.

**RULES AND PROCEDURES:**

232.01      **PSYCHOLOGICAL TESTING**

- A. Psychological testing will be conducted as part of the pre-employment hiring process. In accordance with the Americans with Disabilities Act, candidates will be given a tentative hiring offer, pending the outcome of the evaluation and other post-offer procedures.
- B. Testing will be conducted as the basis for a Department ordered fitness for duty evaluation, during the counseling process if clinically indicated, or for specialty assignments if requested.
- C. Prior to any testing being initiated, a substantial need must be prevalent, and may only be authorized by the Chief of Police.

232.02      **CRISIS INTERVENTION/COUNSELING**

- A. Counseling will be provided free of charge to any Department personnel, either individually or when accompanied by a family member. Such counseling will typically be short term. (i.e. six visits or less)
- B. Crisis intervention will be made available under the following conditions:
  - 1. Incidents which may have a significant psychological impact on the participating employee(s).
  - 2. If the psychologist must respond to the incident location, upon arrival will report to the on-scene supervisor and obtain permission to contact the involved parties. Participants will be interviewed and a determination made in regard to administrative leave and subsequent follow-up.
  - 3. Police Officers who are the principle participants in the death or great bodily harm of another will be placed on administrative leave with pay for three days. They will be interviewed by the psychologist prior to returning to duty.

232.03      **CONSULTATION AND TRAINING**

- A. Consultation will be made available to any Departmental unit or personnel in the areas of criminal profiling, assignment selection, forensic hypnosis, promotional processes, evaluation and any other areas in which the psychologist has expertise.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- B. Training will be provided in both the in-service and pre-service modes on a needed basis. All requests must be approved by the appropriate Bureau Commander.

**232.04      CONFIDENTIALITY**

- A. Information regarding the names of employees or the nature of their contact with the psychologist will not be disclosed or released without the specific permission of the employee except in those instances when it is required by statute or the American Psychological Association (APA) code of ethics to do so. These currently (MAR. 1995) are:
1. When the involved party presents a clear danger to him/herself or another.
  2. In cases involving child abuse or neglect.
- B. In the case of Departmentally-ordered evaluations, the agency is the holder of the privilege. The Officer or applicant will be so advised at the time of testing via a written consent form.
- C. Written material, to include test data, reports, counseling notes and correspondence, will be kept in accordance with (APA) guidelines.

**232.05      REQUESTED SERVICE PRIORITY**

- A. When competing demands for service arise, the order of priority will be:
1. Crisis intervention with employees.
  2. Critical incidents.
  3. Counseling appointments.
  4. Pre-employment appointments.
  5. Training
  6. Research
- B. On a needed basis, the Chief of Police has discretion in altering the priority list.

Effective date: April 24, 2007

233.00

**HARASSMENT IN THE WORK PLACE/BIAS PROFILING AND DISCRIMINATING PRACTICES**

All employees have the right to work in an environment free of harassment. Harassment is a prohibited form of discrimination under city, state, and federal laws and is misconduct subject to disciplinary action by this Department. The Department will take immediate action to prevent such behavior and to remedy all reported instances of harassment, sexual or otherwise, as defined in this policy, by promptly investigating any complaints and taking corrective or disciplinary action.

It is also the purpose of this directive is to prevent and prohibit the practice of bias profiling and other discriminatory practices by any member of the Gallup City Police Department.

It is the policy of this Department to investigate suspicious persons, incidents and other activities that officers encounter. In the absence of any specific report, the race, ethnic background, age, gender, sexual orientation, religion, economic status or cultural group of any person will not be the basis for the detention, interdiction or other disparate treatment of any individual by any member of the Department.

**DEFINITIONS:**

**HARASSMENT**

Harassment includes sexual, racial or ethnic slurs, other verbal, visual, or physical abuse relating to a person's race, color, religion, national origin, ancestry, age, sex, or handicap and includes any other behavior that interferes with a person's work performance or creates an intimidating, hostile, or offensive working environment.

**SEXUAL HARASSMENT**

Sexual harassment is any unwanted sexual attention or such attention when submission to such conduct is made, either explicitly or implicitly, a term of an individual's employment; submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or such conduct has the purpose of affecting or unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**EQUAL EMPLOYMENT OPPORTUNITY (E.E.O.) COMPLAINT COORDINATOR**

The Chief of Police's designee will act in this capacity.

**BIAS PROFILING**

Bias based profiling is the detention, interdiction, or other disparate treatment of an individual on the basis of the race, ethnic background, age, gender, sexual orientation, religion, economic status or cultural group of such individual.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 24, 2007

**RULES AND PROCEDURES:**

**233.01      PROHIBITED ACTIVITY**

- A. Harassment of any kind by supervisors or employees will not be tolerated.
1. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person because of their race, color, sex, age, religion, ancestry, national origin, handicap, Association membership or non-membership, or veteran status.
  2. Employees shall not make offensive or derogatory comments based on race, color, sex, age, religion, ancestry, national origin, physical/mental handicap or veteran status.
  3. No employee shall sexually harass any person.

**233.02      EMPLOYEE DUTIES AND RESPONSIBILITIES**

- A. Each employee of this Department is responsible for assisting in the prevention of harassment through the following acts:
1. Refraining from participation or encouraging actions that is or could be perceived as harassment.
  2. Reporting acts of harassment to their supervisor or the E.E.O. Complaint Coordinator.
  3. Assisting any employee who confides that they are being harassed by encouraging them to report it to a supervisor.

**233.03      SUPERVISOR RESPONSIBILITIES**

- A. Each supervisor shall be responsible for preventing acts of harassment. These responsibilities include but are not limited to the following:
1. Monitoring the work environment for evidence that harassment may be occurring.
  2. Counseling all employees on the types of behavior that is prohibited, and the proper procedures for reporting and resolving complaints.
  3. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employee is within your direct chain of command.
  4. Taking immediate and appropriate action to limit the work contact between two employees where there has been a complaint of harassment.
- B. Each supervisor shall assist any employee who has a complaint of harassment in documenting and filing a complaint with the E.E.O. Complaint Coordinator.
- C. The supervisor to whom a complaint is given shall meet with the employee and document the incidents, the person(s) doing or participating in the harassment, and the dates on which it occurred.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 24, 2007

- D. The supervisor taking the complaint shall immediately deliver the complaint to the E.E.O. Complaint Coordinator.
- E. All incidents of harassment shall be brought to the attention of the Department E.E.O. Complaint Coordinator.
- F. Failure to take action to stop known harassment shall be grounds for discipline.
- G. Supervisors of the complaining employee shall assist the E.E.O. Complaint Coordinator in the investigation of the complaint.

**233.04      REPORTING/COMPLAINT PROCEDURES**

- A. Employees encountering harassment should tell the person that their actions are unwelcome and offensive. Employees are encouraged to document all incidents of harassment in order to provide a basis for investigation.
- B. Any employee who believes that they are being harassed should report the incident(s) to his or her supervisor, another supervisor, or the E.E.O. Complaint Coordinator as soon as possible.
- C. There shall be no retaliation against any employee for filing a complaint, or assisting, testifying, or participating in the investigation of a complaint.
- D. Complainants or employees accused of harassment may file a grievance in accordance with Department procedures when they disagree with the internal investigation or disposition of a harassment claim.
- E. This policy does not preclude any employee from filing a complaint, grievance, or lawsuit with an appropriate outside agency.

**233.05      CONFIDENTIALITY**

- A. The complaint file, including the name of the complainant as well as the names of all those providing statements, shall be kept confidential.

**233.06      FALSE REPORTING**

- A. Any employee who knowingly makes false accusations of harassment will be subject to discipline up to and including dismissal.

**233.07      BIAS PROFILING AND DISCRIMINATORY PRACTICES**

**RULES AND PROCEDURE**

- A. Racial profiling of individuals is strictly prohibited by members of the Gallup Police Department.
  - 1. In the absence of a specific report, race or ethnicity of an individual shall not be a factor in determining the existence of



**Gallup Police Department**  
**\* Rules and Procedures \***

Effective date: April 24, 2007

probable cause to place in custody or arrest an individual, or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

2. In response to a specific credible report of criminal activity, race or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to place in custody or arrest an individual.
- B. Stops or detentions based on race, age, gender, or sexual orientation or any other prejudicial basis by any member of the Department are prohibited.
1. The detention of an individual, which is not based on factors related to a violation of Federal Law, New Mexico State Statutes, City Ordinances or any combination thereof, is prohibited.
  2. No officer shall stop, detain, or search any person when race, color, ethnicity, age, gender, or sexual orientation motivates such action.
  3. Asset seizure and forfeiture efforts and procedures shall be based on violations of Federal Law, New Mexico State Statutes or any combination thereof and shall not be motivated by race, color, ethnicity, age, gender, sexual orientation, religion, economic status, or cultural group.

**233.08**            **TRAINING**

- A. All Police Department members will receive training bi-annually on the harms of bias based profiling and discrimination, including legal aspects and a review of this directive.

**233.09**            **DUTIES OF MEMBERS**

- A. Any employee who believes there is, or may be aware of any violation of this Order, will immediately contact his/her immediate supervisor.
- B. All complaints of bias based profiling or discriminatory practices will be investigated in accordance with the established internal affairs procedures.
- C. Each supervisor will be responsible for continually monitoring and examining all members under their direct supervision to ensure that member's actions and activities adhere to this directive and to discover any indications of racial profiling or discriminatory practices.

**233.10**            **DISCIPLINARY PROCEDURES**

- A. Appropriate discipline will be implemented for non-compliance with this directive up to and including dismissal.

Gallup Police Department  
\* Rules and Procedures \*

---

Effective date: April 24, 2007

- B. Failure to report any observed or known violations of this order by any member of the Department will result in disciplinary action.

233.11      **ADMINISTRATIVE REVIEW**

- A. There will be an annual review of this Order and Department practices conducted by the Chief of Police, or his/her designee.
- B. The review will include concerns expressed by citizens.

Effective date: September 15, 2004

234.00

#### **POLICE VEHICLE ACCIDENTS**

The Department shall investigate all accidents involving Department vehicles, injury to Department personnel, damage to Department property or vehicles, and damage to personal property properly utilized in the performance of duty.

#### **RULES AND PROCEDURES:**

##### **REPORT REQUIREMENTS**

- A. Police Department vehicles involved in accidents shall be recorded on the State of New Mexico Uniform Accident Report form.
- B. All accidents involving Department vehicles, injury to Department personnel, damage to Department property or vehicles, and damage to personal property utilized properly in the performance of duty will be reported immediately.
- C. Copies of Offense/Incident Reports, or Accident reports, will accompany Injury reports that are to be submitted.

##### **ACCIDENT INVESTIGATOR RESPONSIBILITIES AND DUTIES**

- A. A State Police Unit will be dispatched to all vehicle accidents with injuries involving Departmental vehicles, and all accidents that are a result of a pursuit.
- B. On duty Gallup Police Officers may respond to non injury accidents not resulting from pursuits at the Watch Commanders discretion. This section does not prevent a Watch Commander from asking State Police Officers to investigate any accident involving a City of Gallup police unit.
- C. Gallup Police Officers investigating minor accidents on behalf of the Department shall inform the on-scene supervisor of the facts surrounding the accident, and provide any additional information relevant to the investigation that is requested by the on-scene supervisor.

##### **VEHICLE DISPOSITION**

- A. Should it become necessary to hold a Departmental vehicle for an extended period of time, all property not permanently affixed to the vehicle will be removed.
- B. Personnel will not remove any City vehicle from the "down line" without permission of the Property and Supply Officer.

##### **DUTIES OF PERSONNEL INVOLVED IN AN ACCIDENT**

- A. Render an appropriate level of aid to the injured.
- B. Secure the scene from additional contamination, and preserve evidence.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- C. Call an on-duty supervisor to the scene of the accident.
- D. Submit a supplemental report by the end of the same work shift to the on-duty supervisor for inclusion with the initial report.

**SUPERVISOR DUTIES AND RESPONSIBILITIES**

- A. The on-duty supervisor will respond to the incident location and oversee the investigation.
- B. The on-scene supervisor will be responsible to make all pertinent notification depending on the seriousness of the incident.
- C. The on-scene supervisor will ensure that all appropriate documents involving the incident are forwarded to the appropriate Divisions as soon as feasible.
- D. Wreckers will be used to tow Department vehicles only when necessary and with the permission of a supervisor.
- F. A City of Gallup Automobile Accident Report shall be completed by the shift supervisor on all accidents involving city police vehicles.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

235.00

**LINE-OF-DUTY DEATH**

This Department shall provide liaison assistance to the immediate family of any sworn personnel who dies in the line of duty. This assistance will be provided whether the death was unlawful or accidental (automobile accident, hit by a passing vehicle during a traffic stop, training accident, etc.) while the Officer was performing a law enforcement function, either on or off-duty and while the Officer was an active member of the Department.

**RULES AND PROCEDURES:**

**LINE-OF-DUTY DEATH**

- A. The Chief of Police may institute certain parts of this policy for cases of an Officer's natural death.
- B. The Department will also provide a clarification and comprehensive study of survivor benefits as well as other tangible and intangible emotional support during this traumatic period for the surviving family.

**COORDINATION OF EVENTS**

- A. Coordination of events following the line-of-duty death of an Officer is an extremely important and complex responsibility. Professionalism and compassion must be exhibited at all times as an obligation to the Officer's survivors and to the law enforcement community.
- B. The "line-of-duty death" policy manual will be issued to all supervisory personnel. It will be the responsibility of supervisors to be completely familiar with this manual.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

236.00

**UNIFORMS/EQUIPMENT**

The Department shall ensure that all personnel are properly attired. Civilian personnel will meet acceptable standards of dress as established by the Chief of Police.

**RULES AND PROCEDURES:**

**UNIFORM STANDARDS**

- A. Standards for the proper wearing of uniforms will apply to all sworn personnel and uniformed civilian employees of the Department.

236.01      **WEARING OF THE REGULATION UNIFORM**

- A. All sworn personnel and uniformed civilian employees, except as noted, shall wear the regulation uniform.
- B. The Chief of Police, Deputy Chief of Police, and Bureau Commanders may dress appropriately for their assigned duties.
- C. Division Commanders may authorize the wearing of clothing other than the uniform for personnel under their command.
- D. Non-uniformed civilian personnel will meet acceptable standards of dress as established by the Chief of Police.
- E. When wearing the uniform, it will be complete. Partial uniforms will not be worn.
- F. All Police Officers will maintain one Class-A uniform as defined in this manual.

236.02      **SUPERVISOR RESPONSIBILITIES**

- A. Supervisors are responsible for the appearance of personnel under their command and will ensure that:
1. Uniforms and equipment are neat, clean, and serviceable.
  2. Uniforms and equipment are properly worn and utilized.
  3. Uniforms, insignia, accessories, and equipment conform to published standards.

236.03      **HEADGEAR**

- A. Headgear is optional, except during formal inspections, funerals, parades, or when directed by the Chief of Police.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

- B. Head gear for officers will be only that issued by the Department or approved by the Chief of Police. Helmets when not worn shall be carried in the police vehicle. Motorcycle helmets shall be worn at all times while operating a Department owned motorcycle, or functioning in an official capacity on behalf of the department.
- C. The cover grommets will not be removed. The hat bill will be black patent leather for sworn personnel below the rank of Captain. Sworn personnel who are of the rank of Captain or above shall have hat bills with approved gold insignia.
- D. During periods of cold weather the fur cap, or knit beanie type cap may be authorized. The cap is constructed of expanded vinyl, double thick quilted lining with super thick Dynel fur. Color will be black with fur to match.
- E. During periods of inclement weather and/or extended periods of exposure to bright sunlight outside the vehicle, the baseball style cap is authorized provided that the cap:
  - 1. Is black in color.
  - 2. Is constructed of a solid type fabric and not of a mesh type material.
  - 3. Bears a miniature Department shoulder patch or badge patch, or has the word "Police" clearly displayed.
  - 4. Is worn similarly to the dress cap, and the brim will not be creased.

236.04      CLASS - A UNIFORM

- A. The Class A uniform for all personnel is the long sleeve shirt, standard black tie, hat, and white gloves.
- B. Police Officers shall wear the Class-A uniform, excluding white gloves, when attending award functions sponsored by outside law enforcement agencies and/or civic organizations.
- C. Police Officers on special assignment (e.g., undercover work) may, with the approval of their Division Commander, wear appropriate civilian attire to these award functions.
  - 1. Appropriate civilian attire for male Police Officers is a dress suit or sport coat and dress slacks, a tie, and dress shoes or dress boots.
  - 2. Appropriate civilian attire for female Police Officers is a dress, a dress suit or pant suit, or a dress skirt or dress pants and blouse, and dress shoes or dress boots.

236.05      CLASS - A UNIFORM SHIRTS

- A. Shirts will be long sleeve.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

- B. For Police Officers, shirts and pants will be black in color made of material approved by the Chief of Police. Sworn personnel will wear a black or white crew neck T-shirt when the collar is worn open.
- C. Personnel assigned to wear the uniform may wear an optional black turtleneck or mock turtleneck shirt under the long sleeve uniform only. This turtleneck shirt will be fine knit (not sweater knit). The Shirt may have "GPD" embroidered on the collar, but no other logos or insignias are approved. The neck will only extend as high as the uniform shirt collar.
- D. Chest/neck hair shall be trimmed so that it is not visible.
- E. No gold buttons will be worn on the Class-A uniform shirt, except by those Police Officers who are actively serving in an Honor Guard function.
- F. The only authorized item that may be worn on any uniform shirt epaulets is the issued handheld lapel microphone. Pagers, keys, cellular telephones and whistles are not authorized for wear on the shirt epaulets.

236.06 CLASS - A UNIFORM TIE

- A. Ties are required for uniformed personnel while standing for formal inspections, while in attendance at funerals, parades, and other formal occasions, or when so directed by the individual's Division Commander or higher authority.
- B. The tie will be black four-in-hand type with the breakaway (clip-on) feature.

236.07 CLASS - A FOOTWEAR

- A. Footwear will be black, smooth, highly-shined leather without ornamentation.
- B. Sworn personnel may wear a low quarter shoe, round toe; or patrol boots. Patrol boots shall be round or semi-round toe and shall not exceed 12 inches in height. Sharp or pointed toed boots or boots with riding heels are not authorized. Trouser legs will be worn outside of the boot. Black socks will be worn when not wearing boots.
- C. Black military style boots without steel toes or other ornamentation are authorized.
- D. Athletic footwear - sneakers, either canvas or leather type, or any type of athletic shoe is not authorized for wear with the uniform.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

E. Foul weather boots are authorized provided that they are:

1. Black in color.
2. Only worn during periods of inclement weather and/or ground conditions are extremely poor due to weather.

236.08      CLASS-B UNIFORM

- A. All sworn personnel may wear the following Class-B uniform while performing regular duty or as directed by their Division Commander.
- B. Uniform pants will be the same as those utilized for the Class-A uniform.
- C. Uniform shirts will be made of the same material as the Class-A uniform, shirts may be short sleeved.
- D. Class-B uniforms do not require the wearing of a neck tie, gloves, or head gear.
- E. Sworn personnel will wear a black or white crew neck T-shirt when the collar is worn open.

236.09      CLASS - B FOOTWEAR

- A. Footwear will be black, smooth, highly-shined leather without ornamentation.
- B. Sworn personnel may wear a low quarter shoe, round toe; or patrol boots. Patrol boots shall be round or semi-round toe and shall not exceed 12 inches in height. Sharp or pointed toed boots or boots with riding heels are not authorized. Trouser legs will be worn outside of the boot. Black socks will be worn when not wearing boots.
- C. Black military style boots without steel toes or other ornamentation are authorized.
- D. Athletic footwear - sneakers, either canvas or leather type, or any type of athletic shoe is not authorized for wear with the uniform.

236.10      SWEATERS

- A. Sweaters are authorized provided they are black in color and are the military wool V-Neck or Commando style. Sweaters of similar design in fine knit are authorized.
- B. Sworn personnel electing to utilize the sweater will wear a regulation Class-B uniform.
- C. Sweaters will either be tucked in to the trousers or will be neatly folded under so that the bottom sweater edge rides on the inside of all duty accessories and does not obstruct immediate access to all equipment.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

- D. New, regulation GPD patches will be affixed to both shoulders of the sweater. Specialty patches may be worn as appropriate on the right shoulder of the sweater.
- E. A badge and nametag will be worn with the sweater. The replica cloth badge and a black embroidered nametag with  $\frac{1}{2}$ " gold lettering will be sewn onto the sweater. The issued (metal) badge and metallic nameplate are not authorized for wear on the sweater.

236.11      **LEATHER GEAR**

- A. Leather gear for officers will be black basket weave design and shall consist minimally of the following;
  - 1. A Sam Browne belt.
  - 2. A duty holster.
  - 3. A handcuff case.
  - 4. An ammunition carrier.
  - 5. An extendable baton.
  - 6. Belt keepers
  - 7. A mace holder
- B. Optional items for the duty Sam Browne include;
  - 1. A flashlight holder.
  - 2. A key holder.
- C. Those items listed as optional will not be issued by the Department.
- D. Personnel above the rank of Lieutenant may wear modified versions of the Sam Browne listed above.
- E. When an officer has his Department issued equipment damaged, lost or stolen, he shall notify the immediate supervisor, prepare a report as to the incident and contact the Property and Supply Officer for replacement of those items that are necessary for him to function in his particular position.
- F. Any leather gear issued by the Department may be replaced by personal gear belonging to the officer, but the replacement gear must be authorized by the Chief of Police and the gear shall be kept in a safe and presentable condition.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- G. When an officer has his personal equipment damaged, lost or stolen, he shall notify his immediate supervisor, prepare a report as to the incident and contact the Property and Supply Officer for replacement of those items that are necessary for him to function in his particular position. When Department equipment is issued due to the damage, loss or theft of personal equipment, the Department equipment shall still be the property of the City of Gallup, unless otherwise authorized by the Chief of Police, in writing.
- H. When an officer has occasion to make a request for either repair or replacement of damaged, lost or stolen Department issued equipment, the officer will submit a request to the Property and Supply Officer. This request shall specify the circumstances of the damage, loss or theft and shall include supporting documents.
- I. The Property and Supply Officer shall review the request and return it to the submitting officer. Prior to returning the request the Property and Supply Officer shall note whether the repair or replacement is:
  - 1. Acceptable damage or loss as required in the performance of duty and then re-issue equipment which is needed.
  - 2. Chargeable to the officer because of neglect, carelessness, or misuse, in which case arrangements shall be made with the City Purchasing Department to pay for the item at the Department purchase price.
- J. Experimental equipment will not be utilized by any member of this Department without the written permission of the Chief of Police.
- K. When a member or employee resigns, or is placed on physical leave for thirty (30) calendar days or more for any reason, he shall surrender all Department owned property and equipment to the Property and Supply Officer.

236.12      JACKETS (ALL UNIFORMS)

- A. Jackets and coats will be worn with a standard departmental shoulder patch on the right and left sleeve and can be obtained from the Property and Supply Officer.
- B. Officers who are directing traffic on any city street or while on road block duty shall be required to wear a Day-Glow reflective safety vest.
- C. Plainclothes personnel assigned to the Criminal Investigations Division, shall be issued specially marked "raid jackets". Raid jackets will be worn:
  - 1. During search warrant executions.
  - 2. During the execution of an arrest warrant involving a probability of resistance.
  - 3. Whenever directed by a supervisor.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

236.13 GLOVES

- A. Gloves will be black leather, lined or unlined, and shall not be issued by the Department. Gloves will be of a full finger design. Gloves with the finger coverings removed are not authorized.
- B. Police Officers may be required to wear white cotton gloves on special occasions (e.g., funerals, parades, etc.).

236.14 RAIN GEAR

- A. Rain gear, which is not issued, should be clear vinyl or reflective orange for all personnel and must be approved by the Chief of Police.
- B. Raincoat will be knee length, rain jacket will be hip length, and rain pants will be full length.

236.15 NAME TAGS AND TIE BAR/TACK

- A. A name plate shall be worn on the shirt of all uniformed personnel. The first and last name, or first initial and last name will be inscribed. All name tags will be gold in color.
- B. The name plate will be positioned on the right breast pocket flap of the uniform shirt. It is to be centered and the top of the name plate is to be flush with the upper seam of the flap.
- C. An optional slip-on pin acknowledging years of current service to the Department may be attached to the name tag. The service pin will have inscribed in black enamel, the wording "SERVING SINCE." The year for date of hire will be inscribed in the blank space. These optional slip-on pins will not be supplied by the Department.
- D. A tie bar or tack of conservative taste may be worn provided that it is gold colored. No name brands or advertisement will be allowed.

236.16 DEPARTMENT BADGE AND PATCH

- A. Sworn personnel shall wear their designated official Department badge when in uniform.
- B. The official Department patch will be worn on both sleeves of all uniform shirts, jackets and sweaters.
- C. The Department patch will be centered on the sleeve and the top border of the patch will meet with the seam of the shirt/jacket sleeve at the shoulder.
- D. A cloth replica of the Department issued badge will be worn on all jackets, sweaters.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

- E. Personnel assigned to plain clothes duties will carry the approved badge in a case or other device which will enable them to wear the badge in plain view when appropriate or directed to do so by a supervisor.

236.17      OPTIONAL INSIGNIA

- A. Members may wear any other patch or pin only with the approval of the Chief of Police.
- B. Police Officers may not wear service bars, firearms badges, or specialty pins for which they are not entitled or qualified.
- C. Traffic insignias, Flight wings, American Red Cross patches, specialty badges, and patches are not authorized for any uniform.
- D. Sworn personnel of the Honor Guard Unit will only wear appropriate insignia and uniform for that unit while engaged in functions so designated by the Chief of Police.
- E. Service bars will be worn on the left sleeve of the Class-A uniform shirt beginning one inch above the cuff. Service bars will only be worn denoting five year increments of service (e.g., one star - five years, two stars - ten years, etc.).
- F. Service bars indicate service as a sworn Officer with the Gallup Police Department.

236.18      CHEVRONS

- A. Sergeant chevrons will be only those issued by the Department and will be worn on both sleeves of the uniform shirt, centered between the seam of the shoulder and the elbow. Sergeant chevrons may be three gold chevrons which may be worn on the collar and shall be centered on the collar so that the point of the chevrons are in line and pointed in the opposite direction of the collar point. Collar and shoulder chevrons will not be worn together.

236.19      SHIRT INSIGNIA FOR COMMAND PERSONNEL

- A. The shirt insignia for Lieutenants will be a single gold bar that is issued by the Department. The bar shall be centered  $\frac{1}{2}$ " from the outer edge of the collar edge.
- B. The shirt insignia for Captains will be a double gold bar that is issued by the Department. The bars shall be centered  $\frac{1}{2}$ " from the outer edge of the collar.
- C. The shirt insignia for the Deputy Chief of Police will be three gold stars issued by the Department.
- D. The shirt insignia for the Chief of Police will be four gold stars issued by the Department.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

236.20      TRAFFIC CONTROL EQUIPMENT

- A. Traffic control equipment to be used will consist of the following:
1. A safety vest made of either cloth or plastic will be worn whenever directing traffic and/or investigating a traffic accident. Vests will be international orange in color and will be Department issued.
  2. Whistles and lanyards will not be worn on the uniform, but may be stored in the patrol vehicle.
  3. A flashlight with orange or red cone attachment may be used, and is recommended for use during hours of darkness.
  4. Road flares or similar devices will not be hand held for traffic control purposes.

236.21      PROTECTIVE BODY ARMOR

- A. All sworn personnel are required to be fitted for, and to be issued a protective vest.
- B. Personnel are required to wear the protective vest at all times when on-duty, or otherwise working, in uniform.
1. Exceptions to this requirement must be approved by the Chief of Police and will be reviewed on a case-by-case basis.
  2. Members above the rank of Lieutenant will not be required to wear protective vests when in uniform.
- C. All personnel assigned to participate in high risk situations (i.e., search warrant executions, service of arrest warrant on a probable violent offender, etc.) will wear the protective vest during these types of operations.

236.22      EYE WEAR

- A. All eye wear worn while on-duty will be in good taste, and conform to Departmental and community standards.
- B. Mirrored sunglasses will not be permitted unless the lens are prescription. In the event that an officer is wearing prescription mirrored lens, that officer shall provide the Chief of Police a copy of their lens prescription.
- C. Eye wear frames that are considered questionable by supervisory personnel will be considered unacceptable and will not be worn.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

237.00

GROOMING AND DRESS STANDARDS

All active duty personnel shall meet appropriate grooming and dress standards as prescribed by the Chief of Police. All employees, while on active duty, unless otherwise directed by their commanding officer, shall be well groomed, clean, and appropriately dressed for their individual assignment. Clothes and shoes shall be clean and properly cared for. Attire shall conform to Department rules and regulations.

RULES AND PROCEDURES:

237.01 MALE PERSONNEL (SWORN)

- A. Hair on the side may extend to the ears but will not protrude over the ears. Hair at the nape of the neck may be rounded or blocked but it shall not touch or extend beyond the top of the collar when the head is held in the position of attention. Hair in front will not fall below the eyebrows. The bulk or length of hair shall be groomed so that it does not bush out or curl up while wearing the standard uniform helmet or hat.
- B. Sideburns shall not extend in length below the bottom of the ear. They shall be neatly trimmed, not bushed or flared. Sideburns shall be cut level when the head is held in the position of attention. The width of the sideburns shall not be more than 1 1/4 inch.
- C. Mustaches will be neatly trimmed and shall not extend in length below the top border of the upper lip nor extend more than 1/4 inch upward, downward, or to the side from the corner of the mouth.
- D. Exotic haircuts, including but not limited to; Mohawk, punk rock, spiked, are not conducive to the professional image that must be projected by all personnel. Such hairstyles are prohibited for all personnel.
- E. Members excused from the above regulations because of special assignments shall be in compliance with the above regulations when wearing the official uniform.

237.02 FEMALE PERSONNEL (SWORN)

- A. When in uniform, females shall wear their hair in compliance with the following:
  - 1. Hair may not extend 7" below the collar/shirt body seam. Items used to secure long hair such as combs, barrettes and elastic bands shall be conservative in appearance.
  - 2. Longer hair may be secured and styled so it will not extend beyond the length mentioned (i.e., bun, looped braid, etc.).
  - 3. While a ponytail would be acceptable, pigtailed, double braids, and bouffant styles will not be permitted.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- B. The hair shall not be styled so that it hangs below the eyebrows.
- C. The hair will be neat and clean.
- D. The hairstyle shall be conducive to the wearing of the uniform hat and shall reflect favorably on the Department.
- E. Exotic hair cuts, including but not limited to; Mohawks, punk rock, spiked, are not conducive to the professional image that must be projected by all personnel. Such hairstyles are prohibited for all personnel.
- F. Members excused from the above regulations because of special assignments shall be in compliance with the above regulations when wearing the official uniform.

237.03      WIGS AND HAIR PIECES

- A. Wigs and hairpieces are permitted, but they must conform with the above and to natural hair standards.

237.04      PERSONAL JEWELRY AND ORNAMENTATION

- A. Sworn male employees may wear jewelry only if it is in good taste. Generally, this is limited to wrist watches, wedding bands, or other conservative type rings. Specifically prohibited are earrings or other items of jewelry that detract from the Department's image or constitute a potential safety hazard. Neck jewelry or ornamentation shall not be visible.
- B. Sworn female employees may wear jewelry only if it is in good taste. Generally, this is limited to wrist watches, wedding rings, or other tasteful rings. Uniformed female personnel may not wear earrings. Neck jewelry or ornamentation shall not be visible.
- C. Sworn female personnel wearing civilian clothes may wear conservative styled necklaces and chains. Only one necklace or chain may be worn at any one time. No earrings will be authorized.
- D. All body piercing that is visible to the general public is strictly prohibited. (i.e. tongue, facial, etc.)

237.05      NON-UNIFORM ASSIGNMENT

- A. All employees that are not required by assignment to wear the uniform shall dress appropriately.
- B. When in a City vehicle or performing a law enforcement function, out of uniform, personnel shall be appropriately attired. Tank tops, cut-off or gym shorts, and all clothing in poor condition will not be authorized.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

237.06      **CIVILIAN SUPPORT STAFF**

- A. All civilian personnel shall be expected to dress in an appropriate and professional manner.
- B. All supervisors will be responsible for enforcing the standards set forth by the Department.
- C. All personnel shall be well groomed and wear clothing that is both clean and in good condition.
- D. All civilian employees will keep their hair neat and maintain good personal hygiene. (Exotic hairstyles and colors are not appropriate.)
- E. Jewelry worn will be in good taste and not constitute a potential safety hazard. (Piercing of eyebrows, nose, lips, tongue, and other body parts is not appropriate.)

237.07      **FEMALE CIVILIAN SUPPORT STAFF**

- A. Female civilian support staff attire should be in good taste and appropriate for a professional business office.
- B. Attire considered inappropriate includes anything that is excessively tight, excessively short, see-through or is distracting or constitutes a potential safety hazard.
- C. Denim is acceptable as long as the clothing is in good condition, ironed, not faded or frayed or ripped.
- D. Sleeveless fashions are permitted, but should conceal undergarments or be worn with a jacket or sweater. (Bra-less, strapless, halter top, spaghetti straps, silk-screen printed T-shirts, sweatshirts and sweatpants are not acceptable.)
- E. Skorts are acceptable, but must be no shorter than four (4) inches above the knee and maintain a professional appearance.
- F. Shoes must be clean and in good condition, and appropriate for the workplace. (Athletic shoes are not acceptable. Exception will be made for special assignments and/or special circumstances with approval from supervisor.)

237.08      **MALE CIVILIAN SUPPORT STAFF**

- A. Male civilian support staff attire should be in good taste and appropriate for a business office.
- B. Denim is acceptable as long as it is in good condition, ironed, not faded or frayed or ripped.
- C. Muscle shirts and silk screen printed T-shirts are not acceptable.

Gallup Police Department  
\* Rules and Regulations \*

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Effective date: September 15, 2004

- D. Shoes must be clean and in good condition and appropriate for the workplace. (Athletic shoes are not acceptable. Exception will be made for special assignments and/or special circumstances with approval from supervisor.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

239.00

COURT APPEARANCE

Personnel shall appear for court and Motor Vehicle Division hearings properly prepared and attired.

RULES AND PROCEDURES:

239.01 COURT NOTICES

- A. Cases involving persons in custody will normally be set within ten (10) days of the arraignment day; therefore, a 10-day advance notice may not be possible. Personnel notified by a court notice will appear at the time and date specified.
- B. The court notice will be accepted in lieu of a subpoena when officers are needed on their days off or under unusual circumstances.
- C. When officers are transferred or their days off are changed, previously scheduled court cases will not be reset, unless authorized by the court.
- D. Citations, complaints and reports must indicate the primary officer in the case. The first officer listed will be the only officer notified, except in radar or hit and run cases. Arresting and reporting officers must keep this in mind when the citation, complaints and reports are completed. The officer notified on the case has the responsibility for prosecuting the case. If he needs additional officers as witnesses, he must notify the court at least five (5) days in advance.

239.02 NOTIFICATION TO COURTS OF VACATION OR LEAVE TIME

- A. Personnel, who have cases pending in Municipal Court, Magistrate Court or District Court and wish to take vacation or other leave, will notify the court offices of their intent by addressing a letter to the Court Liaison Officer and the Court Clerk listing their scheduled leave through the chain of command. This notice will be submitted at least two (2) weeks in advance of the scheduled leave time.
- B. Supervisors shall not initial or forward completed vacation forms unless the requirements specified in sub-section A are met.
- C. If the fourteen (14) day requirement is not met, Police Officers will not be relieved of their responsibility to appear in court when properly notified.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

- D. Personnel who have been selected to attend specialized training, which cannot be re-scheduled or made up, shall request exemption from court and M.V.D. hearings for that time period. If approved, the Court Liaison Officer and the Court Clerk will be notified and take the appropriate action with the courts.
- E. Personnel who are sick or have an emergency and are unable to appear for a Municipal, Magistrate or District Court case shall contact the court liaison officer by 0800 hours, if the liaison officer is unavailable, they shall notify the court.
- F. Sworn or non-sworn personnel directed to appear in court must appear and be prepared to testify, regardless of their duty status.
- G. Personnel who receive subpoenas in more than one court shall notify the court liaison officer of the second subpoena. Personnel will then attend the court of higher jurisdiction. Should personnel be scheduled for more than one courtroom at the same or during overlapping time periods, they shall inform the court liaison officer of the pending conflicts in scheduling.
- H. When personnel miss any court session or M.V.D. hearing for which they have been given adequate notice, they will be subject to the appropriate discipline.

239.03 COURTROOM ATTIRE AND DISPLAYING OF WEAPONS

- A. Male Police Officers not in uniform, who appear to testify in any court, shall be attired in a dress suit or sport coat and slacks. Female Police Officers not in uniform shall be attired in pant suits, dress suits, dresses, dress pants, or skirt and blouse. Dress shoes or dress boots shall be worn by both male and female Police Officers. Blue jeans will not be worn during court appearances unless subsection B applies.
- B. If Police Officers are called to court on short notice while on duty they may wear authorized working attire.
- C. Firearms and other weapons are not to be in sight while in civilian attire.
- D. Only in an emergency will the uniform be worn in Federal or District Court. Uniforms may be worn at preliminary hearings.

239.04 COURTROOM DEMEANOR

- A. When properly notified for court appearance, pre-trial conferences, or meetings with defense attorneys, personnel will be punctual, have the case properly prepared, and evidence suitably arranged for presentation.
- B. Personnel shall testify with the strictest accuracy, confining their testimony to the case before the court.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- C. Firearms and other weapons are not to be in sight while in civilian attire.
- D. Only in an emergency will the uniform be worn in Federal or District Court. Uniforms may be worn at preliminary hearings.

239.04 COURTROOM Demeanor

- A. When properly notified for court appearance, pre-trial conferences, or meetings with defense attorneys, personnel will be punctual, have the case properly prepared, and evidence suitably arranged for presentation.
- B. Personnel shall testify with the strictest accuracy, confining their testimony to the case before the court.

239.05 MISSED COURT

- A. Personnel missing court without cause will be disciplined in the following manner:
  - 1. First offense 1 day suspension.
  - 2. Second offense 3 day suspension.
  - 3. Third offense 10 day suspension.
  - 4. Forth offense termination.

This progressive disciplinary scale is to be applied to all missed court within a one year period, beginning January 1, 2004.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

240.00

POLICE OFFICER/CIVILIAN OF THE QUARTER

The Department recognizes outstanding work performance and provides a committee to select recipients from the Police Officers/Civilians who are nominated each quarter.

This program is established to:

- \* Instill pride
- \* Enhance morale
- \* Recognize outstanding work

RULES AND PROCEDURES:

- A. The program is open to all personnel regardless of rank or position. There shall be no restrictions as to the number of times sworn or non-sworn personnel may be nominated or selected.
- B. Sworn personnel will be considered separately from non-sworn personnel and vice versa.
- C. In order to qualify for nomination, personnel must:
  - 1. Be full-time, salaried or hourly, sworn or non-sworn personnel except as noted herein.
  - 2. Have performed the work of service being cited within the previous twelve (12) month period.
  - 3. Not have received Police Officer/Civilian of the Quarter award for work or service cited in the present letter of nomination.
- D. Nominations are to be accomplished by the originator submitting a letter through his/her chain of command explaining the action or conduct being cited. Letters must be addressed to the Chief of Police, with appropriate signature spaces for each step in the chain of command.
- E. Nominations do not necessarily have to cite a single deed or incident (i.e. act of bravery, etc.) but may cite outstanding or exceptional performance which shows a high degree of diligence or dedication to the Department or citizens of City of Gallup.
- F. Nominations will be accomplished at the Division/Bureau level. Each Division/Bureau may submit nomination letters for more than one sworn and/ or non-sworn personnel.
- G. Any sworn or non-sworn personnel may make a nomination. Nominations are to be forwarded to the Commander of the Bureau to which the nominee is assigned.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- H. In the event the performance being cited occurred while the nominee was assigned to a Division/Bureau other than his/her current assignment, the nomination will be forwarded to, and handled by, the Commander of the Bureau to which the nominee was assigned at the time the performance being cited occurred.
- I. In order to be considered for selection during the quarter, the nomination letter must be submitted through the chain of command no later than the last working day of the quarter.

240.01      **SELECTION COMMITTEE**

- A. A committee shall be appointed by the Chief of Police to review and make selections from the nominations.
- B. The committee shall consist of not less than seven (7) persons, and shall consist of sworn and/or civilian personnel representatives of each Bureau and the Headquarters Section.
- C. Committee members shall be selected by the Chief of Police, and the committee shall, by majority vote, elect one member to act as chairperson.
- D. Committee members shall serve no longer than four (4) years on the committee.
- E. Selection of the Police Officer and Civilian of the Quarter shall be accomplished no later than then (10) calendar days following the end of each quarter.
- F. The committee may select more than one (1) sworn or non-sworn personnel for the award if more than one sworn or non-sworn personnel was involved in the same incident which instigated the nomination.
- G. Selections shall be made by majority vote with each member casting one (1) vote for Police Officer and one (1) vote for Civilian of the Quarter.
- H. Should there be insufficient candidates received in either category, the Committee will not be bound to make a selection for that quarter.
- I. The Chief of Police shall be notified of the selections, in writing, by the Committee Chairperson within one (1) work day after the selections are made. The Chief of Police, or designee, shall draft a letter of recognition for each recipient.
- J. A copy of the letter shall be placed in the individual's personnel file.
- K. An 8" by 10" color photograph of each recipient shall be taken and the photograph appropriately displayed for the following quarter. Each recipient shall be furnished with a copy of the photograph.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- L. The review committee shall, no later than January 15th of each year, select Police Officer and Civilian of the year, for the prior year.
- M. Only recipients of the Quarterly Awards will be considered for the annual awards.

**240.02      RESERVE SELECTION**

- A. Reserve Police Officers are also eligible for recognition as Reserve Officer of the Year from among members of the Reserve Officer Division. There will be only a yearly selection, not a quarterly award.
- B. In order to qualify for the nomination, Reserve Police Officers must be an active Reserve Officer in the Gallup Police Department Reserve Division.
- C. All nominations for Reserve Officer of the Year will be directed to the Reserve Division Board of Directors.
- D. Once the Reserve Officer board of directors has chosen their nominee, they will submit their selection via the Reserve coordinator.
- E. All other selection criteria outlined in this section will apply for selection of Reserve Officer of the Year.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

241.00

LOCKERS

RULES AND PROCEDURES:

Individual lockers are provided for sworn personnel working in the Gallup Police Department. The locker is considered the property of the City of Gallup even when being provided to an officer.

241.01            SECURITY

- A. Officers assigned lockers shall be required to furnish their own lock.

241.02            INSPECTIONS

- A. The locker can be inspected at any time with or without cause and the City of Gallup does not extend or represent that any officer shall have any expectation of privacy within the locker.
- B. If the assigned officer cannot be located, the lock may be cut off and shall be done in the presence of two (2) other officers and it shall be the responsibility of the Department to secure the locker and replace the lock.
- C. Any items discovered through procedures as defined in this section may be used in an administrative or criminal investigation against the officer.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: October 31, 2008

243.00

**RECRUITMENT AND SELECTION**

The Department recruits and selects qualified applicants for the position of Police Officer.

**RULES AND PROCEDURES:**

**243.01**      **RECRUITING/SELECTION UNIT**

- A. Application forms will be made available to any interested party. Copies of the forms will, in most cases, come to us from the City's Human Resources office, if for some reason the application forms come directly to us we are to forward the original to Human Resources and keep a copy for our use.
- B. In order to be eligible for employment with the Department an applicant shall:
  - 1. Be at least eighteen (18) years of age at the time of applying and hold a high school diploma or equivalent G.E.D. certificate;
  - 2. Holds a valid driver's license.
  - 3. Is a citizen of the United States.
  - 4. Has not been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge, or within the three year period immediately preceding his application, to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled-substances or other crime involving moral turpitude and has not been released or discharged under dishonorable conditions from any of the armed forces of the United States.
  - 5. Pass an agility test as prescribed by the New Mexico Law Enforcement Academy for certification as well as the test prescribed by the Department;
  - 6. Submit to an extensive background investigation in accordance with Department policy;
  - 7. Undergo and pass an oral interview by the Chief of Police;
  - 8. Pass a post-offer Pre-employment psychological examination and evaluation as developed by the Department;
  - 9. Pass a post-offer pre-employment physical examination, which shall include a drug test, as designated by the City Personnel Department.
- C. The new employee shall be required to satisfactorily complete within the first twelve months of probationary employment (unless the employee holds a current certification) the basic certification course as prescribed by the New Mexico Law Enforcement Academy.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: October 31, 2008

- D. The new employee shall undergo a probationary period of twelve (12) months active employment from his date of hire. During the probationary period, the employee shall be subject to the City Personnel Rules and Regulations and shall be subject to the terms and provisions of this document. He shall be subject to dismissal at any time and for any reason not otherwise prescribed by federal or state law.

**243.02**      **HIRING PROCESS FOR NON-CERTIFIED POLICE OFFICERS**

**A. Applicant's Files**

1. Once a copy of an application for employment is received we will open an applicant file. The file folder will be clearly marked with the applicant's name and the date that the application was received. The initial documentation in the applicants file will consist of the following:
  - a. The original application.
  - b. All initial background paperwork (local warrants checks and triple I returns).
  - c. A letter advising the applicant of their first testing date or informing them that they will not be continuing on in the hiring process, based on the pre-screening phase.
2. If after reviewing information obtained from the local warrants check or triple I return the Training Commander does not feel that an applicant is suitable to continue on in the process the Commander will meet with the Support Services Bureau Commander and make all of the documentation with reference to the applicant available. If the Support Services Bureau Commander is in agreement with the Training Commander the applicant shall be dropped from our process at this point. The support Services Bureau Commander will prepare a memorandum outlining the reason(s) for dropping the applicant, to be placed in the applicants file.
3. If an applicant is not continuing on after this their file will be closed. The file will be maintained for a period of five years.

**B. Written Testing Process Documentation**

1. Each non-certified applicant will be required to complete a written exam. Each applicant must score seventy percent (70%) or better to pass this phase of the testing. Once this exam has been completed and graded the new hire file should have the following information added to it:
  - a. A letter informing the applicant that they have successfully completed the written process, and informing them of their physical agility testing date, or a letter informing them that they will not be continuing on in the process based on their test scores.
2. If an applicant is not continuing on after this phase their file will be closed. The file will be maintained for a period of five years.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: October 31, 2008

C. Physical Agility Testing Documentation

1. Each non-certified applicant will be required to complete a physical agility test. The applicant must meet the minimum standard set by the New Mexico Law Enforcement Academy in order to pass this phase of testing. Once the test has been completed the applicant file should have the following information added to it:
  - a. A letter informing the applicant that they have successfully completed the physical agility testing process, or that they have been granted a continuance from the Chief, and informing them of their appointment for an Oral Board examination, or a letter informing them that they will not be continuing on in the process based on their test scores.
2. If an applicant is not continuing on after this phase their file will be closed. The file will be maintained for a period of five years.

D. Oral Board Examination

1. Every non-certified applicant shall face a Departmental Oral Board. The Oral Board shall consist of three certified members of the Gallup Police Department. Seated on the board will be one Lieutenant, one Sergeant and one Officer.
2. All Oral Board questions shall be consistent, no applicant is to be asked pre-designed Oral Board questions that vary from those asked of the other applicants. The Board may engage the applicant in additional discussion on any topic the applicant brings to the Boards attention. The Board will at no time address issues relevant to an applicants religious, sexual or political preference. The board shall not ask any questions pertaining to the applicant's racial status, or nationality. The Board will not ask questions of any applicant that pertain to the applicants' significant other, spouse, children or any persons who may in the future fall into any one those categories.
3. The Recruiting Commander will be responsible for briefing the Oral Board participants so that they are well versed in their role, and they understand what is and is not permissible. The Recruiting Commander shall prepare all Oral Board questions, and those questions shall be approved by the Support Service Bureau Commander or in their absence the Deputy Chief of Police prior to the admission of the Oral Board.
4. The Oral Board shall utilize a standardized grading form for all Oral Board applicants. This form will be completed by the Oral Board member and signed after completion. All score sheets shall have ten(10) categories with each of the ten (10) categories having a scoring range from one to ten (1-10). All Oral Board members will submit their score sheets and comments sheets to the Recruiting Commander who will tabulate the Oral Board scores. Any applicant who achieves an overall rating of seventy percent (70%) or better will continue on in the process.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: October 31, 2008

5. Once the Oral Board process is completed the applicant file should have the following added to it:
  - a. A copy of the standardized questions asked by the Oral Board.
  - b. A list with the names of all other Oral Board applicants who tested on the same date.
  - c. The original score sheets submitted by the Oral Board.
  - d. A letter telling the applicant that they have successfully completed the Oral Board Process and informing the applicant that the department will now begin a background investigation process, or a letter telling the applicant that they will not be continuing on in the process.
6. If an applicant is not continuing on after this phase their file will be closed. The file will be maintained for a period of five years.

E. Background Investigation

1. Employment backgrounds for applicants should contain extensive research into the applicant's background. This information is collected using prior employers, educations, public and law enforcement databases, court records, military records and reference interview. The background investigator should conduct a minimum of twelve (12) interviews using a rule of three (3) processes to obtain additional references. The background report should be filed on the department approved forms and be signed by the investigator.
2. Once the background investigation is completed it should be reviewed by the Recruiting Commander and the Support Services Bureau Commander. Collectively they will agree as the applicant's fitness to continue on the process. A background investigation review sheet shall be completed by the Support Services Bureau Commander for inclusion in the applicants file.
3. Once the background phase of the process is complete the applicant file shall have the following documents added to it:
  - a. The complete background investigation report.
  - b. The completed background review sheet.
  - c. A letter advising the applicant that they have successfully completed the background investigation phase and that they have been placed on the "Chief's Selection List", or a letter advising the applicant that they are not continuing on in the process at this point.
4. If an applicant is not continuing on after this phase their file will be closed. The file will be maintained for a period of five years.

F. Chief's Selection Process

1. Once the applicant has successfully completed the testing phases described above they will be placed on a "Chief's Selection List". As vacancies become available the Chief of police will consult this



Gallup Police Department  
\* Rules and Procedures \*

Effective date: October 31, 2008

list for the selection of new hires. The complete applicant file shall be made available to the Chief for his review when he makes selections from this list.

2. Once an applicant has been reviewed by the Chief of Police the following information shall be placed in the applicant file:
  - a. A letter conditionally offering employment to the applicant; pending passing of medical and psychological testing or a letter advising the applicant that they are not continuing on in the process at this point.
  - b. If the applicant does not continue on in the process the Chief of Police shall place a Chief's applicant review sheet with the reason(s) that the applicant was dropped from consideration in the applicant's file.
3. If an applicant is not continuing on after this phase their file will be closed. The file will be maintained for a period of five years.

G. Applicant Selection

1. Once an applicant is selected and has passed both their medical and psychological testing the conditional offer of employment is honored and the applicant is hired.
2. Once the applicant is hired the following information shall be placed in the applicant's file:
  - a. A copy of the letter of employment signed by the Chief of Police.
  - b. At this point a copy of the letter of employment is placed in a new personnel folder and the new hire file is complete.
3. If an applicant does not successfully complete the medical and psychological testing the following shall be placed in the new hire file:
  - a. A letter informing the applicant that the conditional offer of employment will not be honored.
  - b. If the applicant does not continue on in the process the Chief of Police shall place a memorandum with the reason(s) that the applicant was dropped from consideration in the applicant file.
4. All files making it to this phase will remain on file for a period of five years regardless of their status.

H. General provisions

1. All applicants who successfully complete the hiring process will have the written report from their psychological exam and their complete background report transferred to their personnel files when they are hired. These documents shall become part of their personnel files and shall never be removed from those files during the course of their employment with the Gallup Police Department.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: October 31, 2008

2. If an applicant that does not complete the process successfully applies a second or subsequent time, his or her file will be kept in conjunction with the original file(s). At no time will information from earlier application files be shared with Oral Board members. Background investigators may have full access to these files. At no time will information be taken from one file and added to another. Should a background investigator find need to re-utilize information from a prior file that information is to be copied for the new file, and the original information shall stay with its file.
3. Testing, examinations, interviews, and investigations utilized during the selection process will be conducted by personnel trained in these functions.

**243.03    HIRING PROCESS FOR CERTIFIED POLICE OFFICERS**

**A.    Applicant's Files**

1. Once a copy of an application for employment is received we will open an applicant file. The file folder will be clearly marked with the applicant's name and the date that the application was received. The initial documentation in the applicants file will consist of the following:
  - a. The original application.
  - b. All initial background paperwork (local warrants checks and triple I returns)
  - c. A letter advising the applicant of their first testing date or informing them that they will not be continuing on in the hiring process, based on the pre-screening phase.
2. If after reviewing information obtained from the local warrants check or triple I return the Training Commander does not feel that an applicant is suitable to continue on in the process the Commander will meet with the Support Services Bureau Commander and make all of the documentation with reference to the applicant available. If the Support Services Bureau Commander is in agreement with the Training Commander the applicant shall be dropped from our process at this point. The Support Services Bureau Commander will prepare a memorandum outlining the reason(s) for dropping the applicant, to be placed in the applicants file.
3. If an applicant is not continuing on after this their file will be closed. The file will be maintained for a period of five years.

**B.    Oral Board Examination**

1. Every non-certified applicant shall face a departmental Oral Board. The Oral Board shall consist of three certified members of the Gallup Police Department. Seated on the board will be one Lieutenant, one Sergeant and one Officer.
2. All Oral Board questions shall be consistent, no applicant is to be asked pre-designed Oral Board questions that vary from those asked of the other applicants. The board may engage the applicant in additional discussion on any topic the applicant brings to the boards

Gallup Police Department  
\* Rules and Procedures \*

Effective date: October 31, 2008

attention. The board will at not time address issues relevant to an applicants religious, sexual or political preference. The board shall not ask any questions pertaining to the applicant's racial status, or nationality. The board will not ask questions of any applicant that pertain to the applicants' significant other, spouse, children or any persons who may in the future fall into any one those categories.

3. The Recruiting Commander will be responsible for briefing the Oral Board participants so that they are well versed in their role, and they understand what is and is not permissible. The Recruiting Commander shall prepare all Oral Board questions, and those questions shall be approved by the Support Service Bureau Commander or in their absence the Deputy Chief of Police prior to the admission of the Oral Board.
4. The Oral Board shall utilize a standardized grading form for all Oral Board applicants. This form will be completed by the Oral Board member and signed after completion. All score sheets shall have ten(10) categories with each of the ten (10) categories having a scoring range from one to ten (1-10). All Oral Board members will submit their score sheets and comments sheets to the Recruiting Commander who will tabulate the Oral Board scores. Any applicant who achieves an overall rating of seventy percent (70%) or better will continue on in the process.
5. Once the Oral Board process is completed the applicant file should have the following added to it:
  - a. A copy of the standardized questions asked by the Oral Board.
  - b. A list with the names of all other Oral Board applicants who tested on the same date.
  - c. The original score sheets submitted by the Oral Board.
  - d. A letter telling the applicant that they have successfully completed the Oral Board Process and informing the applicant that the department will now begin a background investigation process, or a letter telling the applicant that they will not be continuing on in the process.
6. If an applicant is not continuing on after this phase their file will be closed. The file will be maintained for a period of five years.

C. Background Investigation

1. Employment backgrounds for applicants should contain extensive research into the applicant's background. This information is collected using prior employers, educations, public and law enforcement databases, court records, military records and reference interview. The background investigator should conduct a minimum of twelve (12) interviews using a rule of three (3) processes to obtain additional references. The background report should be filed on the department approved forms and be signed by the investigator.
2. Once the background investigation is completed in should be reviewed by the Recruiting Commander and the Support Services Bureau Commander. Collectively they will agree as the applicant's fitness to continue on the process. A background investigation review sheet shall be completed by the Support Services bureau commander for inclusion in the applicants file.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: October 31, 2008

3. Once the background phase of the process is complete the applicant file shall have the following documents added to it:
  - a. The complete background investigation report.
  - b. The completed background review sheet.
  - c. A letter advising the applicant that they have successfully completed the background investigation phase and that they have been placed on the "Chief's Selection List", or a letter advising the applicant that they are not continuing on in the process at this point.
4. If an applicant is not continuing on after this phase their file will be closed. The file will be maintained for a period of five years.

D. Chief's Selection Process

1. Once the applicant has successfully completed the testing phases described above they will be placed on a "Chief's Selection List". As vacancies become available the Chief of police will consult this list for the selection of new hires. The complete applicant file shall be made available to the Chief for his review when he makes selections from this list.
2. Once an applicant has been reviewed by the Chief of Police the following information shall be placed in the applicant file:
  - a. A letter conditionally offering employment to the applicant; pending passing of medical and psychological testing or a letter advising the applicant that they are not continuing on in the process at this point.
  - b. If the applicant does not continue on in the process the Chief of Police shall place a Chief's applicant review sheet with the reason(s) that the applicant was dropped from consideration in the applicant file.
3. If an applicant is not continuing on after this phase their file will be closed. The file will be maintained for a period of five years.

E. Applicant Selection

1. Once an applicant is selected and has passed both their medical and psychological testing the conditional offer of employment is honored and the applicant is hired.
2. Once the applicant is hired the following information shall be placed in the applicant's file:
  - a. A copy of the letter of employment signed by the Chief of Police.
  - b. At this point a copy of the letter of employment is placed in a new personnel folder and the new hire file is complete.
3. If an applicant does not successfully complete the medical and psychological testing the following shall be placed in the new hire file:



Gallup Police Department  
\* Rules and Procedures \*

Effective date: October 31, 2008

- a. A letter informing the applicant that the conditional offer of employment will not be honored.
  - b. If the applicant does not continue on in the process the Chief of Police shall place a memorandum with the reason(s) that the applicant was dropped from consideration in the applicant file.
4. All files making it to this phase will remain on file for a period of five years regardless of their status.

F. General provisions

1. All applicants who successfully complete the hiring process will have the written report from their psychological exam and their complete background report transferred to their personnel files when they are hired. These documents shall become part of their personnel file and shall never be removed from those files during the course of their employment with the Gallup Police Department.
2. If an applicant that does not complete the process successfully applies a second or subsequent time, his or her file will be kept in conjunction with the original file(s). At no time will information from earlier application files be shared with Oral Board members. Background investigators may have full access to these files. At no time will information be taken from one file and added to another. Should a background investigator find need to re-utilize information from a prior file that information is to be copied for the new file, and the original information shall stay with its file.
3. Testing, examinations, interviews, and investigations utilized during the selection process will be conducted by personnel trained in these functions.

**243.04 LATERAL ENTRY**

- A. In addition to meeting all the requirements of a new applicant, a lateral entrant shall serve a twelve (12) month probation period during which he/she shall be employed in an at-will status, and must meet the following conditions:
1. Possess a current certificate in New Mexico as a law enforcement officer, or be employed as an Officer Second Class and be eligible for a certification by Waiver within the first six months of employment.
  2. An employee hired under the foregoing lateral entry procedures shall not be eligible take the Sergeant's examination until he/she has completed two years of service as a classified sworn officer.
  3. A lateral hire will be defined as a certified police officer holding a certification from any state, coming to the department with no continuous interruptions of service (non-military) exceeding 6 months. Physiological/Physical testing of lateral hires shall be conducted at the discretion of the Chief of Police.

Effective date: September 15, 2004

245.00

**HONOR GUARD**

The Department shall equip and maintain an Honor Guard unit to represent the Department during special events, or when necessary to perform other duties in honoring law enforcement officers who have fallen in the line of duty.

The Honor Guard coordinator/Commander will be an Officer of the rank of Sergeant or above.

All sworn personnel on the Department are eligible for assignment to the Honor Guard.

**RULES AND PROCEDURES:**

245.01      **EQUIPMENT**

A. Equipment necessary for Honor Guard members, which is in addition to that required for regular SOP compliance, will be provided by the Department. The Department will provide:

1. One long sleeve shirt with gold buttons.
2. Battle cord or other special unit shoulder decoration.
3. Ascots, as designated by the unit Commander.
4. White gloves.
5. Other specialty items necessary for Honor Guard specific duties.

B. Honor Guard members will provide:

1. Black leather military style lace boots.

C. If other equipment is necessary, such as weapons for a Twenty-One gun salute, the Honor Guard Commander will make arrangements for them on an as needed basis.

D. Honor Guard members are given the authority to have the Honor Guard patch on the right shoulder of their regular uniform shirts.

245.02      **HONOR GUARD FUNCTIONS/COMMAND**

A. The Honor Guard may represent the Chief of Police's Department in the below listed functions:

1. Upon the death in the line-of-duty of any sworn Department personnel.
2. Upon the death of retired sworn personnel at the request of their family.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

3. Upon the death in the line-of-duty of any other sworn law enforcement personnel at the direction of the Chief of Police.
  4. Special events at the direction of the Chief of Police (i.e. Police Memorial Day, parades etc.).
- B. The Honor Guard coordinator/Commander must be given at least seven (7) days notice of upcoming events, more if possible. (With the exception of funerals where as much notice as possible should be given.)
- C. Requests for the Honor Guard must be directed to the Honor Guard Commander, and approved by the Chief of Police.
- D. The Honor Guard Commander or designee will be the liaison between the unit and family members during arrangements for a funeral service.
- E. The Honor Guard Commander will arrange for training/practice as is deemed necessary.
- F. The Honor Guard will use procedures for military drill as the guide for unit performance.



Gallup Police Department  
\* Rules and Regulations \*

Effective date November 15, 2004

246.00

AUTHORIZED FIREARMS / AMMUNITION AND FIREARMS QUALIFICATIONS

DEFINITIONS:

EXEMPT PERSONNEL

Exempt personnel are sworn personnel assigned to undercover, however not necessarily plain clothes assignments.

ON-DUTY

Scheduled working hours or overtime assignment. (A paid status)

OFF-DUTY

All time not considered on-duty.

RANGE

Square range, classroom, target shed, and storage facilities.

BACK-UP WEAPON

That weapon carried in addition to your primary duty weapon, must be concealed.

RULES AND PROCEDURES:

246.01 AUTHORIZED HANDGUNS FOR ON DUTY USE

- A. A .40 caliber semi-automatic pistol will be issued to all new personnel and must be carried as a primary duty weapon.
- B. Department weapons may not be altered from factory specifications in any way without written permission from the Chief of Police.
- C. Integral flashlight systems and holsters that are not highly aggressive in uniform appearance, and approved by the Firearms Instructor, are authorized for on-duty use. (The unit must be quickly detachable and small in size).
- D. All weapons carried while on-duty are subject to inspection.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

246.02 EXEMPT PERSONNEL WILL:

- A. Obtain written approval from the Chief of Police prior to carrying an alternate weapon that may fit their undercover needs, that is not covered by this SOP, as a primary duty weapon.
- B. Exempt personnel must qualify with the weapon that they will be utilizing on duty.

246.03 AUTHORIZED AMMUNITION FOR DUTY AND QUALIFICATIONS

- A. Sworn personnel must use Department issued ammunition.
- B. Sworn personnel may not carry ammunition that has been altered from factory specifications in any way.
- C. In addition to the fully loaded Glock pistol, on-duty officers will carry ammunition on their person in the following manner:
  - 1. A minimum of two full clips/magazines for uniformed officers.
  - 2. A minimum of one magazine reload for plain clothes officers and officers assigned to office duty.

246.04 AUTHORIZED HANDGUNS FOR OFF-DUTY USE

- A. The issued Glock pistol is authorized for both on and off-duty use.
- B. Sworn personnel are permitted to be armed at all times while off-duty in compliance with applicable law. Carrying of a weapon while off-duty is discretionary, however:
  - 1. Failure to have a weapon will not relieve sworn personnel of their responsibility to take proper law enforcement action in any matter coming to their attention. This action may include calling for assistance or providing witness information, action that will put the officer at an obvious survival disadvantage should not be considered.
  - 2. Sworn personnel may carry firearms into establishments serving liquor only when responding to a call, during a lunch or coffee break, or on other official assignment.
  - 3. Sworn personnel in civilian attire, who are armed, whether on duty or off-duty, shall carry such weapons concealed from public view.
  - 4. Sworn personnel working within their assigned areas of the law enforcement center, or their offices are considered not to be in public view.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

246.05 BACK-UP WEAPONS

- A. A member may carry a personally owned handgun concealed on his person while in uniform to use in any unforeseen emergency circumstances. The handgun must be of quality manufacture and chambered for pistol ammunition.
- B. Prior to carrying the firearm the member must have the weapon inspected by the Department Firearms Instructor. Once inspected and approved by the Department Firearms Instructor, the member must request and receive approval in writing, from the Chief of Police, to carry the firearm.
- C. The member must qualify each year on the Department back-up qualification course during the first quarter.
- D. Personnel carrying back-up weapons will be responsible for the ammunition used in the weapon, except those that are .40 caliber.
- E. The make, model, caliber and serial number of all firearms carried while on duty shall be recorded and kept on file with the Property and Supply Officer.

246.06 SHOTGUNS

- A. Sworn personnel may carry Department issued shotguns in their patrol car and must be responsible for:
  - 1. Keeping the shotgun in a safe and working condition.
  - 2. Qualifying quarterly with the shotgun.
  - 3. Sworn personnel are responsible for the safety of the shotgun.

246.07 SHOTGUN AMMUNITION

- A. Department issued 00 buckshot is the standard load for shotguns. Loads of any other type may not be used without authorization from a supervisor. Department issued rifled shotgun slug ammunition may be used in shotguns with permission from a sworn, on-duty supervisor.
- B. The shotgun will be carried in the cruiser safe mode (magazine full, chamber empty) while in the patrol vehicle.
- C. Pistol grips and extended magazines will not be authorized for shotguns, unless those items are part of a Department issued SWAT Team weapon.

246.08 RANGE PROCEDURES

- A. Only sworn or non-sworn personnel of the Department will be allowed on the range.
  - 1. Other personnel must remain in designated areas as established by the Firearms Instructor.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- B. Other than the Range Officers, no one will, be allowed on the line unless they are shooting.
- C. All personnel must report to the Range 15 minutes prior to shoot time.
- D. All weapons will be inspected prior to being fired at the range.
- E. All weapons will be cleaned prior to use on the Range. Personnel with dirty weapons will not be allowed to shoot until their weapon has been cleaned and inspected.
  - 1. Prior to qualification, all weapons must be checked by the Department Firearms Instructor to show that the condition has been corrected.
- F. If there are any questions as to your score, your target will be re-scored one additional time only.
- G. There will be no alibi shots allowed.
- H. There will be no talking on the firing line, except with Range Officers.
- I. If there is a malfunction of a weapon that the shooter cannot clear himself/herself, drop to one knee and advise the Range Staff that you have a malfunction.
- J. All shooting will be done with the holster used while on-duty; loading of ammunition will be done from the carrying device used while on-duty.
- K. All ammunition will be inspected by the Firearms Instructor prior to use.
- L. Non-uniform personnel will qualify while wearing a coat, sports jacket, or suit jacket.
- M. All weapons will be unloaded and reloaded in the designated area.
- N. All weapons will be treated as loaded weapons at all times.
- O. Both ear and eye protection will be worn while shooting.
- P. All weapons will be kept in a holster or carrying device when not on the firing line, or when directed by the Range Staff.
- Q. While on the firing line, all weapons, when out of the holster, will be pointed in a safe direction (down range).
- R. There will be no smoking while on the firing line.
- S. Only approved weapons by S.O.P. will be allowed on the range during qualification shoots.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 2, 2007

- A. All brass will be "policed up" prior to leaving the range.
- B. Shooters will not remove targets from the line unless directed by the Firearms Instructor.
- C. Shooters will report to the range office after each shoot to turn in eye and ear protection, and to sign for their score.
- D. Shooter will only move from position to position when given the command to do so.
- E. Shooters will be expected to handle their weapon in a safe manner, and in conjunction with Department training.
- F. Infraction(s) of the above rules will be cause for immediate disqualification and removal from the Range.
  - 1. A letter detailing the infraction(s) will be sent to the concerned individual's Watch/Division Commander.

**246.09      QUALIFICATION CRITERIA**

- A. All officers must train and qualify quarterly with the firearms they carry on duty, unless exempted by the Chief of Police. All officers who have been exempted from the qualifications must attempt to qualify within fifteen (15) days after the expiration of the exemption. Officers rehired must qualify within fifteen (15) days of their rehiring.
- B. All sworn personnel shall be issued copies of and be trained in Directive pertaining to section 314.03 Deadly Force/Use, before being authorized to carry a firearm.
- C. Only those officers who have met the Department's minimum requirements for demonstrated proficiency in the use of firearms shall be allowed to carry firearms in the course of their employment.
- D. Demonstrated proficiency shall mean achieving a minimum score of 80% on a prescribed course supervised by a person designated by the Chief of Police.
- E. Dates and times for qualifications shall be set by the Firearms Training Instructor.
- F. For safety reasons and expediency in training and/or qualifications, the Firearms Training Officer will be in command of the range activities. Any officer violating range rules as set by the Firearms Training Officer will be disqualified and ordered from the range.
- G. It is the responsibility of the Firearms Training Instructor to insure that all members train/qualify each quarter. A list will be sent to the Chief of Police by the Firearms Training Instructor of those officers who fail to comply with the required firearms training and/or qualifications.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 2, 2007

- H. Officers failing to qualify on their first attempt of each quarter will give up their firearm and will be assigned to desk duty. Officers failing to qualify will have fifteen (15) working days to attend and pass a Basic Firearms Course.
1. Individual instructors shall be made available during this time. A maximum of 200 rounds will be supplied by the Department during this period.
  2. After the completion of the fifteen (15) day period, officers failing to qualify will be subject to disciplinary action, which includes suspension without pay and termination.
  3. Officers who qualify during the fifteen (15) day period shall have their weapons immediately re-issued to them and will return to duty in their regular assignment at the start of their next scheduled shift.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

247.00      **REPORTS AND RECORDS**

The purpose of this directive is to establish guidelines and procedures for the Department's Records Section

Records shall be maintained in accordance with Public Records and Federal Guidelines relating to Uniform Crime Reporting, State and Local laws, and the policies and procedures of the Department.

247.01      **PROCEDURE**

The Records Section receives reports from all divisions/sections/units from within the Department and is a central repository for all reports and records initiated by this Department's personnel.

247.02      **MAINTENANCE AND CONTROL**

- A. Review, control, maintenance, retrieval, dissemination and destruction of report, according to applicable laws and policies are essential to the operation of the Central Records Section.
- B. The supervisor of the officer/employee dictating the report will review all reports. This review ensures that the reports are completed in compliance with directives.
- C. The McKinley County Metro Dispatch Authority (MCMDA) shall assign a separate computer generated number to every call for service received.
- D. Reports shall be reviewed and entered by the Records Section to ensure that a record has been made for each call for service requiring a report and that it contains information required for UCR Reports.
- E. Information will be retrieved from reports and coded for UCR purposes.
- F. Reports shall be maintained in the Records Section for a period consistent with State Retention Schedule requirements, and maintained in an orderly and accurate manner.
- G. Report case numbers are assigned sequentially.
- H. Control of reports is conducted by a daily review and monthly checks by Records Section on reports. This is conducted for current, delinquent or unreported dispositions of reports. Supplementary reports indicating status of cases are received on a regular basis and are entered with original report into the RMS.
- I. When cases are cleared by the District Attorney's Office, disposition sheets are received by the Records Section and filed.

247.03      **REPORT DISTRIBUTION**

- A. The distribution of reports shall be made according to agency policy and state and federal laws. Copies of reports are made available to various agencies, persons or Department personnel upon specific request.
- B. In accordance with law, certain sections of reports are made available to insurance companies and individuals upon request.
- C. The Records Section will handle all third party requests for inspection of public records.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

1. Request for records will be available immediately or as soon as practical under the circumstances, but not later than fifteen days after receiving a written request.
- D. Copies of incident reports are routinely distributed to the following agencies:
  1. The District Attorney's Office receives all cases involving felony arrests and all felony crimes.
  2. Children's Youth and Families Department, Families in Needs of Services, Children's in Needs of Services receives all juvenile reports where a child is a victim.
  3. Juvenile Probation and Parole receives all reports where a child is a suspect.
  4. Municipal or Magistrate Courts may receive all Misdemeanor Arrests, Misdemeanor and Traffic Citations, and Motor Vehicle Accidents.
  5. All supplements are distributed respectively
- E. All other reports are routed in accordance with directive criminal investigative procedures.

247.04      CITIZENS REPORT OF CRIME

- A. Reports from citizens shall be documented in the Departments CAD/Records Management System (RMS) computer systems. An individual reference number shall be assigned to each incident. These areas shall include but are not limited to:
  1. Reports of crimes by citizens;
  2. Citizens complaints (see below);
  3. Incidents resulting in an employee being dispatched or assigned;
  4. When a Police Officers is dispatched for service at a citizen's request, when a Officer/Investigator is assigned to investigate or when a Officer is assigned to take action at a later date;
  5. Criminal and non-criminal cases initiated by employees;
  6. Incidents involving arrests, citations and summonses shall be recorded, assigned a reference/case number and kept by the Central Records Section.
  7. Traffic Accidents/Collisions.
- B. When the severity of the incident warrants, Officers shall obtain an incident number from McKinley County Metro Dispatch Authority and complete a written report. These areas shall include but are not limited to:
  1. Reports of crimes by citizens;
  2. Criminal and non-criminal cases initiated or investigated by a Officer;
  3. Incidents involving arrests, citations and summons shall be recorded, assigned a reference/case number and be kept by the Central Records Section.
  4. Traffic Accidents/Collisions.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

- C. The McKinley County Metro Dispatch Authority is responsible for the assignment of reference and/or case numbers. This shall be handled by the Department's CAD/RMS system.
- D. Personnel who initiate cases or complaints that are received outside the Communications Center are responsible for notifying the Center for the assignment of reference/case numbers.
- E. Dispositions for all calls for service, whether received or self initiated, shall be recorded either by CAD/RMS or dictated report and filed with Central Records. An annual audit and evaluation of the complaint control recording system shall be conducted.
- F. All records CAD/RMS shall contain at a minimum the following information
  - 1. Date and time of initial reporting;
  - 2. Name (if available) of citizen requesting the service, victims name or complainants name;
  - 3. Location of incident;
  - 4. Nature (type) of the incident;
  - 5. Nature, date and time of action taken (if any) by Officers.
- G. All reports (with the temporary exception of collision reports) shall be dictated using the Department's report dictation system.
- H. Supervisors shall review said reports in accordance with the criteria established by the criminal investigations directive.
- I. Follow-up/supplement assignment responsibilities are outlined in the criminal investigations directive.
- J. The Records Supervisor of the Support Services Division shall conduct an annual audit of the CAD/RMS System to determine if the system is satisfying department requirements and needs. A report will be provided to the Deputy Chief who oversees Support Services. If needed, the report will include recommendations for changes or procedural modifications that are identified.
- K. All report writing manuals and forms shall be reviewed at least annually. They shall be reviewed for the following:
  - 1. Discrepancies;
  - 2. The need for change;
  - 3. Ensure duplication of effort is prevented;
  - 4. Format is consistent with records maintenance or data processing requirements;
  - 5. All forms have the approval of the Chief or his designee prior to use.
- L. Components who utilize forms shall be included in the review of that form.

247.05            **TIMELINESS OF REPORTS**

- A. All reports and corrections must be submitted or dictated at or before the end of the shift.
- B. All reports must be reviewed for accuracy by the submitting officer by the



Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

end of the following work shift.

- C. Once corrected (if necessary), the submitting officer will give the reports incident number to their supervisor for approval.
- D. Reports subject to correction will be corrected at the time of their disapproval and will then be reviewed again by the supervisor who conducted the initial review.
- E. Unforeseen circumstances may warrant the delaying of a report (dictation), but only with prior approval from the shift supervisor.
- F. Any original document necessary for an investigative case file will be turned in to the records department (include incident number).

247.06            CRIMINAL HISTORY RECORDS

- A. The Department accesses computerized criminal history information through the following computer system:
  - 1. Police Department RMS computer system;
  - 2. New Mexico State Criminal Justice Information System (CJIS);
  - 3. New Mexico Crime Information Computer (NMCIC);
  - 4. National Crime Information Computer (NCIC).
- B. User profiles and passwords are required to access the RMS, CJIS, NMNCIC and NCIC computer systems.
- C. The New Mexico Public Records Statutes govern the release of criminal history information from RMS and CJIS computer systems.
- D. McKinley Metropolitan Dispatch Authority maintains a Criminal History Dissemination Log of all criminal histories.
- E. Criminal Histories, which are run and not disseminated are immediately, shredded once read.
- F. The release of criminal history information from the NMCIC computer systems is governed by NMCIC and is only released for law enforcement purposes.

247.07            RECEIPT OF FUNDS

- A. Personnel assigned to the Records Section shall collect fees for the cost of copying incident reports and photographs, for Attorneys and Insurance Companies. The fee schedule as set forth under New Mexico State Statute.
  - 1. Charges for information provided shall not exceed \$1.00 per page.
- B. Pre-numbered receipts containing multi-colored forms in triplicate are maintained.
  - 1. The original receipt goes to City Cashiers Office.
  - 2. The first copy of receipt is maintained in Records Section.
  - 3. The second copy goes to requesting party.
- C. All cash, checks or money orders are secured in a locked moneybox, with authorized access only. The money is kept in the Records Section safe.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

All monies, checks and receipts are balanced daily, and turned over to the City Cashiers office for deposit.

D. Audits are conducted according to Fiscal Policy and/or State Law.

247.08            **INCIDENT REPORTS**

- A. Incident and Arrest reports shall be maintained in the Records Section in numerical order.
- B. Records personnel enter information from all dictated reports into the CAS/RMS system to include but not limited to:
  - 1. The location of each incident;
  - 2. The type of incident;
  - 3. An index of stolen, found, recovered property;
  - 4. Narrative.
- C. Records shall maintain a master name index in the RMS system which shall include, at a minimum the names of victims, complainants, suspects, person arrested and witnesses. These files shall be utilized as a cross-reference to all documents in which a person has been named.

247.09            **ARREST RECORDS**

- A. The Records Section shall maintain a record of the individual's arrest and enter the arrestee's name, DOB, address, arresting agency, arresting officer, date of arrest, statute number of offense, the charge and social security number into RMS.
- B. The arrest reports shall be scored based on the criteria provided by the UCR. Data is forwarded to the Department of Public Safety with UCR report.
- C. Information on all persons arrested is kept within the RMS Computer System included with the following data:
  - 1. arresting agency;
  - 2. Date of arrest;
  - 3. Name of defendant;
  - 4. Defendant's address;
  - 5. Crime location;
  - 6. Physical description;
    - a. Sex;
    - b. Race;
    - c. Height, weight;
    - d. Eye color;
    - e. Hair color;
    - f. Scars, marks, tattoos;



Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

7. Social Security Number;
  8. Date of Birth;
  9. Age;
  10. Place of birth;
  11. Occupation;
  12. Remarks (any caution statements).
- D. The crime analysis section for future projections or past occurrences may research this data
- E. The arrestee's photograph, fingerprints and booking sheet maintained at the Gallup/McKinley Adult Detention Center.
- F. Juvenile fingerprints, booking sheets and photographs are maintained by the Juvenile Detention Center.

**247.10**      **RECORDS ACCESSIBILITY**

- A. The Records Section shall be accessible to Department personnel at all times via Records Section personnel or on City Police Computer system. Information is accessible to the general public between the hours of 7:00 AM and 5:00 PM, Monday through Friday.
- B. Entry into the Records Section is restricted to Police Department Personnel assigned to the facility, Department Supervisors and persons conducting business with records section personnel.
- C. Persons not assigned to the Records Section facility or authorized by the Records Section Supervisor shall be escorted. Only Records Section personnel shall directly access the Files Storage facility.
- D. Records Section personnel shall release information in accordance with the New Mexico Public Records Act and New Mexico Arrest Information Act.
- E. The Records Section shall release any information on juveniles only in accordance with the New Mexico Public Records Statues.
- F. Records Section shall furnish copies of public records upon request and collect the fee prescribed by law.
- G. All fees are receipted for and sent to the City Cashiers for deposit into the general fund.

**247.11**      **NATIONAL UNIFORM CRIME REPORT**

- A. The National Uniform Crime Report (UCR) produces crime statistics in relation to crime trends in the United States.
- B. These statistics are compiled from those submitted by various agencies throughout the U.S. to include the Gallup City Police Department.
- C. The UCR statistics are compiled by the Records Section and forwarded to the Department of Public Safety on a monthly basis.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

247.12            **CENTRAL RECORDS COMPUTER SYSTEM CONTROL**

- A. Access is authorized by user groups. Degree of access depends on user group.
- B. Users shall contact Record Supervisor if they can't remember their password.
- C. RMS will not allow the user to access any files unless that user's group has been given access to those specific files.
- D. As Information Systems adds new users to the system, they are given a default set of access codes allowing only inquiry access. The user is unable to add, modify or delete any records within the RMS system.
- E. The files, in which a user has the ability to add, modify or delete is dependent on the user's position and job requirements.
- F. Access to add, modify, or delete records is given, taken away or modified based on information the Records Supervisor is showing the employee has been transferred, promoted, demoted or terminated.
- G. Every RMS account has a unique login consisting of a user profile and password. RMS will not allow a user to log-in unless that user knows the exact password for a specific user profile. For security, three failed log-in attempts disables the computers ability to access the RMS computer system.
- H. The user failing to log into the RMS system and causing the computer to be locked out of the system shall notify Records Supervisor of the fact and the reason they were unable to log into RMS.
- I. Any user finding a computer with access to the RMS computer system disabled shall notify Records Supervisor or Information System.
- J. Information Systems shall keep a log of all notifications of computers with access to the RMS computer system disabled by failed log-in attempts and follow up on potential access violations.

247.13            **REPORTS CONSIDERED PUBLIC RECORDS**

- A. Accident report face sheet information can be released at any time, upon request.
- B. Additional information, i.e. supplementary accident reports, diagrams and supporting documents can be released as is prescribed by the Inspection of Public Records Act.

247.14            **RECORDS WITH LIMITED ACCESS**

Records maintained by the Records Section that have limited public access are as follows:

- A. Runaway reports. These reports may be released only to the child's parents(s), legal guardian, or their legal representative.
- B. Reports involving a child who is neglected, abused, or in need of supervision. These reports may be released only to the child, the child's legal representative, the parent(s), the child's legal guardian, the Human

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

Services Department, Social Services Division, the victim(s), and/or the victim's legal representative.

- C. the following types of reports, other than accident reports, may be released to the person listed in the report, i.e. victim, suspect or witness and/or their attorneys, agents or adjusters:
1. Offense, incident or traffic arrest reports.
  2. Alcohol analysis reports in regard to D.W.I. arrests.

247.15      **RECORDS CLOSED TO PUBLIC ACCESS**

This Department recognizes any defendant's right to discovery in a criminal case; however, the release of case files is a matter to be handled by the City Attorney's Office, or the District Attorney's Office and the Courts. Records maintained by the Records Section that are considered closed to the public are as follows:

- A. All offense reports that result in a negative disposition such as "not guilty", "dismissed", "case not prosecuted", etc. This includes multiple offender cases where at least one offender receives a negative disposition.
- B. All children's cases where a child is listed as the subject of neglect, abuse, or in need of supervision.
- C. All reports or records closed to the public by court order.
- D. All medical, psychiatric, or psychological reports.
- E. Supplementary reports of criminal follow-up investigations, witness statements, undeveloped leads, or to other supporting reports WILL NOT BE RELEASED to victims, witnesses, suspects, defendants or their attorneys or agents.
- F. EXCEPTIONS; Lawful subpoenas, court order, or confirmed written release by the City Attorney's Office, or the District Attorney's Office. \*When a report is released as authorized above, a copy of the subpoena, order, or release will be filed with the original report\*.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: June 22, 2011

248.00      **TAPE RECORDERS**

248.01

The use of personal tape recorders must be authorized in writing, in advance, by the employees' Bureau Commander. All regulations in the Standard Operations Procedures Manual, Section 248.00, apply to the use of personal tape recorders. The Gallup Police Department will not be responsible for the cost of maintenance, damage or replacement of personal tape recorders.

- A. Although Police Officers are not required to announce to a citizen that their conversation is being recorded, personnel will truthfully respond if asked by the citizen whether or not the conversation is being recorded.

248.02      **PROTECTIVE USES**

- A. Tape recordings of contacts with the public where no arrest is made, but there is reason to believe that a complaint will be made, will be maintained by the Officer for a period of (90) days. More than one day of contacts may be included on one tape.
- B. A written explanation of the contents of the tape should accompany the tape, and should include:
  - 1. The date, time, location, and name(s) of the person(s) recorded.
- C. The Chief of Police retains the right to order that any such tape recording be surrendered to him immediately, with explanation.

248.03      **UNAUTHORIZED USES**

- A. No employee shall electronically record any conversation between himself and another department Officer(s) unless the other person(s) has been advised of the recording prior to its initiation, the recording is done in conjunction with a criminal investigation to which the employee has been assigned, or the recording is done in compliance with the appropriate and applicable sections of the Standard Operating Procedures Manual.
- B. Nothing in this Section shall be construed to restrict the rights of any employee in the furtherance of legitimate non-department, personal interests to record conversations not in violation of applicable Federal or State law.

Effective date: September 15, 2004

249.00

**OTHER AGENCY LIAISON**

The Department encourages liaison with and to provide guidelines for maintaining effective channels of communication between other law enforcement agencies, local fire Departments, emergency medical officials, and other agencies within the criminal justice system (i.e. courts, prosecutors, probation and parole, and juvenile and adult institutions).

**RULES AND PROCEDURES:**

249.01            **INTER-AGENCY COOPERATION**

A. Department personnel with specific liaison responsibilities are:

1. Chief Police Officers, Commanders, civilian directors and specialized unit superiors who shall maintain local liaisons with appropriate agencies, including but not limited to:
  - a. Allied law enforcement agencies including state and federal agencies (Department of Justice, FBI, DEA, Parole, and Probation).
  - b. City of Gallup Fire Department
  - c. Medical Emergency Services
  - d. Courts and Prosecutors
  - e. The City Commission
  - f. Juvenile service groups.

B. Personnel assigned to the positions of public information officer, crime prevention, community policing and any other designated unit who will perform specific liaison functions as required by this job description.

C. Personnel appointed to a special project or assignment that requires cross jurisdictional coordination and cooperation.



Effective date: June 12, 2007

SECTION III

OPERATIONS

TABLE OF CONTENTS

300.00	EMERGENCY VEHICLES
301.00	VEHICLE OPERATIONS
302.00	VEHICLE PURSUITS
303.00	ROAD BLOCKS
304.00	TRAFFIC HAZARDS/TRAFFIC CONTROL
305.00	TRAFFIC ENFORCEMENT
306.00	POLICE ESCORTS
307.00	RESERVED
308.00	HAZARDOUS MATERIALS
309.00	COMMUNICATIONS
310.00	USE OF CELLULAR TELEPHONES WHILE OPERATING DEPARTMENT OWNED VEHICLES
311.00	TOWING / WRECKER SERVICES
312.00	ESCAPE FROM CUSTODY
313.00	ARREST PROCEDURES
314.00	USE OF FORCE
315.00	TRANSPORTATION OF PRISONERS
316.00	BOOKING PROCEDURES
317.00	EVIDENCE / CONTRABAND
318.00	EMERGENCY / AMBULANCES
319.00	MIRANDA WARNING
320.00	VIOLENT CRIME SCENE INVESTIGATION PROCEDURES
321.00	SEARCH AND SEIZURE
322.00	ABUSE, NEGLECT, OR EXPLOITATION INVESTIGATION
323.00	VIOLENT CRIMES INVESTIGATION

Gallup Police Department

\* Rules and Procedures \*

Effective date: June 12, 2007

- 324.00 DEADLY FORCE INVESTIGATIONS
- 325.00 UNDERCOVER LICENSE / IDENTIFICATION
- 326.00 CHILD ABDUCTION
- 327.00 HOSTAGE SITUATIONS
- 328.00 FINANCIAL INSTITUTION HOLD-UP ALARM
- 329.00 DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL/DRUGS
- 330.00 CANINE UNIT
- 331.00 SCHOOL RESOURCE OFFICER
- 332.00 CHILD CUSTODY ORDERS
- 333.00 POSSESSORY INTEREST DISPUTES
- 334.00 CRIMINAL INVESTIGATION PROCEDURES
- 335.00 USE OF INTERVIEW ROOMS
- 336.00 DEALING WITH DEAF / SPEECH IMPAIRED PERSONS
- 337.00 JUVENILE MATTERS
- 338.00 BOMB THREATS AND EMERGENCIES
- 339.00 BUILDING SECURITY
- 340.00 DOMESTIC VIOLENCE
- 341.00 VICTIM / WITNESS ASSISTANCE
- 342.00 RUNAWAY / MISSING PERSONS
- 343.00 DESTRUCTION OF ANIMALS
- 344.00 JURISDICTION / MUTUAL AID
- 345.00 UNUSUAL OCCURRENCES
- 346.00 CIVILIAN RIDE ALONG
- 347.00 FIELD TRAINING OFFICER
- 348.00 CHAPLAIN
- 349.00 RECEPTION AND ASSESSMENT CENTER
- 350.00 RESERVED

Effective date: September 15, 2004

300.00

**EMERGENCY VEHICLES**

The Department shall properly maintain, inspect, and issue all Department vehicles, and shall maintain an appropriate code of conduct for the use of these vehicles. Only authorized personnel of this Department will operate a City owned/issued vehicle.

DEFINITIONS:

**TAKE HOME VEHICLE**

A vehicle issued by the Chief of Police for the purpose of completing assigned duties and tasks. This vehicle is accepted as issued equipment on a voluntary basis. Vehicle privileges can be revoked or suspended by the Chief of Police.

**VEHICLE IN NEED OF REPAIR**

A vehicle that has an identifiable problem.

**OFFICIAL MARKING**

Any type of identifiable marking on the vehicle which would lead a person to believe that the vehicle is a law enforcement or government use vehicle. (i.e., roof mounted light bar, Police insignias, grill/deck lighting, spotlights, antenna, striping, etc.)

**POOL VEHICLE**

A vehicle which has been temporarily assigned to an individual Officer, while their primary vehicle is undergoing some type of authorized maintenance or repair.

RULES AND PROCEDURES:

300.01      **PREVENTIVE MAINTENANCE**

- A. All personnel participating in the take-home vehicle program will meet all scheduled maintenance appointments. There will be no type of compensation for this type of maintenance.
- B. All personnel will be responsible to ensure that the issued vehicle is properly maintained in good serviceable condition, both in appearance and mechanically. All needed repairs will be scheduled in a timely manner as not to cause additional damage to the vehicle.
- C. Each vehicle will be formally inspected each month by the officer's supervisor and a formal inspection will be conducted by the Property and Supply officer on a quarterly basis.
- D. A Department form will be used for inspection and be maintained by the Property and Supply officer with a copy being placed in the officer's personnel file.

Effective date: September 15, 2004

- E. Failure to properly care for a Department issued vehicle can lead to disciplinary action.

**300.02            FUELING**

- A. Personnel shall use vehicle and operator computer cards when fueling vehicles.
- B. When fueling a pool car, utilize the vehicle computer card for that vehicle, not for your regularly assigned vehicle.
- C. Exceptions may include temporary fueling locations where a Department issued fueling card is being utilized or special programs which have been authorized or approved by the Bureau Commander.

**300.03            VEHICLES IN NEED OF REPAIR**

- A. When a vehicle breaks down or is in need of repair during an Officer's duty shift, the on-duty supervisor will be notified immediately. The extent of the problem will be relayed to the supervisor.
- B. When a vehicle's condition makes its operation unsafe or will cause additional damage with continued use, during normal business hours, the vehicle will be taken to the City repair garage, if it can be operated safely.
- C. When a vehicle's condition makes its operation unsafe or will cause additional damage with continued use, after normal business hours, the vehicle will be taken to the police department parking lot, if it can be operated safely.
- D. When a vehicle is taken to the City garage for repairs the Officer will prepare a vehicle repair form, detailing the work needed to facilitate the return of the vehicle to service. This section will be inclusive of all vehicles left at the City police department after normal garage operating hours.
- E. All personnel will ensure that a vehicle, if drivable, has a full tank of fuel prior to taking the vehicle in for repairs.

**300.04            SECURING DEPARTMENT ISSUED PROPERTY**

- A. Personnel will remove all Department issued property, including walkie-talkies, shotguns, handguns, etc., from their assigned vehicle when the vehicle is left at the maintenance facility.
- B. Personnel will be held responsible for the loss of any issued or personal property left unattended in the vehicle should they be found negligent.
- C. If personnel are incapacitated and are unable to secure their issued or personal property, it will be the on-scene supervisor's responsibility to ensure that the property is properly secured.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

300.05      CODE OF CONDUCT/OFF-DUTY

- A. Personnel operating an assigned vehicle which bears official markings will be appropriately attired and have in possession the following equipment to effectively perform a law enforcement function, while at the same time presenting a favorable image:
1. Badge
  2. Identification
  3. Issued and/or back-up firearm
- B. Personnel will wear trousers (slacks or jeans) and a shirt while operating the vehicle. Appropriate attire which is considered in good taste will be mandatory. Some examples of inappropriate attire are shorts, cut-offs, tank tops, sandals, and thongs.
- C. Police Officers operating a Department vehicle, who are in civilian attire, are not relieved of the responsibility of taking appropriate law enforcement action when confronted with any traffic infraction. However, it is recommended that such action be limited to those violations that are blatant, or endanger public safety, where the infraction could be interpreted as negligence. When taking enforcement action under such circumstances, Police Officers will:
1. Wear a recognizable Department jacket, identifying the wearer as Police Officer, in and for the City of Gallup.
  2. For this purpose the uniform jacket and/or the authorized "raid jacket" will suffice.
  3. For court testimony, the listed jackets will be considered the uniform of the day.
  4. Display the issued badge.
  5. Possess their commission (identification) card, and make easily accessible for display, and present it to the violator, if requested.
- D. Vehicles which bear official markings, will not be used to frequent any bar, liquor establishment, or other premises which may bring discredit upon the Department or the City.
- E. Operation of any Department vehicle whether officially marked or not, whenever the driver is incapacitated, drunk, or has been drinking to the extent as to be legally under the influence of an intoxicating liquor or drug, is strictly prohibited.

300.06      VEHICLE USE/OFF-DUTY

- A. Department Command Staff and other "On-Call" staff may use issued vehicles while in an "off-duty" status.



**Gallup Police Department**  
**\* Rules and Regulations \***

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**Effective date: November 15, 2004**

- B. In the event that an "On-Call" Officer is summoned to duty that has passengers in the vehicle, all passengers will be deposited at a safe location and then respond to the call in a safe and expedient manner.

**300.07      VEHICLE USE/GENERAL**

- A. Department personnel will comply with all traffic regulations and laws while operating a City owned or issued vehicle.
- B. Department personnel will operate the vehicle in a professional manner as not to bring discredit or embarrassment upon the Department.
- C. All personnel shall wear a seat belt and/or shoulder harness while occupying a Department vehicle, regardless of seating position or duty status.
- D. No one will alter or add equipment to any City owned vehicle without the expressed permission of the Chief of Police.
- E. Whenever Department personnel have an issued Department vehicle, and is on leave status for more than five (5) consecutive working days, they shall leave their vehicle at an area designated by the concerned Officer's Watch/Division Commander. Watch/Division Commanders and higher ranking sworn personnel will conform to this section by contacting their superiors for vehicle disposition.
- F. When operating a city vehicle while off duty, officer shall notify the dispatcher that they are in the unit.
- G. With the continued interest of public safety in mind, recognizing the deterrent effect of having a police vehicle in an area, and the need to keep Police Officers on duty. Officers may be authorized by their immediate supervisor to use a department owned vehicle to transport immediate family members to and from appointments, school or similar functions. When approving such transportation, the supervisor shall take into consideration the daily operations of the department.

**300.08      PRIVATELY OWNED VEHICLES**

- A. The City's insurance policy does not cover property damage suffered by an employee's privately owned vehicle, even when it is driven on City business. City funds will not be used to reimburse an employee for an uninsured loss of any nature.
- B. Although employees may use their privately owned vehicles for city business at their discretion, they may not be required to do so by anyone in this Department.

Effective date: November 15, 2004

301.00

**VEHICLE OPERATIONS**

When Police Officers are responding to a call for service or are in pursuit of an actual or suspected law violator, they will exercise due regard for the safety of all persons and property.

When responding to an emergency call, or when in pursuit of an actual or suspected law violator, Police Officers are authorized to exercise the special privilege of NMSA 1978, (66-7-6). This section neither relieves the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor does it protect the driver from the consequences of his reckless disregard for the safety of others.

DEFINITIONS:

**RESPONSE CODES**

- A. CODE 1: Calls are routine in nature, and the response should be in accordance with all traffic regulations without use of emergency equipment.
- B. CODE 2: Will not be authorized.
- C. CODE 3: Calls are life threatening in nature, and the response will be with full emergency equipment in operation. Speed is limited to 20 mph above the posted speed limit.

**AUTHORIZED EMERGENCY VEHICLE**

A police vehicle assigned to Police Officers who are performing law enforcement services.

**AUTHORIZED EMERGENCY EQUIPMENT**

That equipment on an authorized emergency vehicle, including but not limited to flashing / rotating, red / blue / clear, or amber lights. \*AN AUDIBLE SIREN IS MANDATORY\*

RULES AND PROCEDURES:

301.01      **RESPONSE CRITERIA**

- A. CODE 3
  - 1. When human life is known to be in immediate danger, the first unit dispatched may respond Code 3. Additional units dispatched will respond Code 2 or Code 1. When it is known that human life is not in immediate danger, the first unit may down-grade the response to Code-2.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

2. All units dispatched to an "officer in trouble call" may respond Code 3.
3. An Officer that is in a position to evaluate a situation may, at anytime, request that back-up units respond Code 3.

B. CODE 2

1. In-progress felony calls that warrant a Code 2 response are the following:
  - a. Armed Robbery
  - b. Burglary
  - c. Forgery
  - d. Auto theft
  - e. Larceny
  - f. Hold-up alarm calls
2. A Code 2 response will only be used in situations to prevent the likelihood of escape of offender(s) and for the protection of life and property.

C. CODE 1

Code 1 response will be utilized for all other calls for service.

301.02 OFFICER RESPONSIBILITIES

- A. At any time emergency equipment is engaged, each Officer utilizing emergency equipment will notify Metro Dispatch when they initiate and terminate the operation of the equipment.
- B. Only those units that were dispatched will respond to the scene of the call for service. All other units within the immediate area will monitor the radio traffic so that they may be in an advantageous position to search for victim(s) or suspects, or assist the primary unit(s).
- C. The primary responsibility of Police Officers responding to the location of a call for service is the protection of human life. Should additional assistance be needed to secure the location, or assist in the investigation, the responding Officer(s) may make such requests after they have arrived at the location and evaluated the situation.
- D. In NO case will an Officer exceed the posted speed limit while traveling through a School Zone.
- E. No Officer will be authorized to drive during hours of darkness without head lights being activated unless the possibility of doing so will place the Officer in jeopardy.

Gallup Police Department  
\* Rules and Procedures \*

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Effective date: June 12, 2007

**301.03**      **SUPERVISORY RESPONSIBILITIES**

- A. Supervisors will have the authority to upgrade or downgrade responding units' Code response. This change in response should be based on information obtained from Metro Dispatch or other personnel. All changes in response status will be confirmed with responding units by Communications.
- B. Supervisors may, at their discretion, respond to the scene of a call for service utilizing an appropriate code response to ensure compliance with Department policies and procedures.
- C. Supervisors will evaluate and control the number of Police Officers at an incident, a dispatched call for service, or a crime scene.

Effective date: September 15, 2004

302.00

**VEHICLE PURSUITS**

A vehicular pursuit shall be initiated only when a Officer has reasonable grounds to believe that the offender(s) have committed, or are attempting to commit a crime for which the necessity for immediate apprehension outweighs the level or danger created by the pursuit, the Officer has a reasonable belief that the offender(s) has or is committing a violent felony, or presents a clear and immediate threat to the safety of other motorists or the public.

Police Officers involved in pursuits must continually question whether the seriousness of the crime(s) reasonably warrants continuation of the pursuit. At anytime during a pursuit when an Officer or supervisor determines that the danger to the public or Officer(s) outweighs the need for immediate apprehension, the Officer will immediately discontinue the pursuit. The decision of an Officer or supervisor to terminate a pursuit for safety considerations is not subject to discipline.

NMSA 1978 section (66-7-6) authorizes emergency vehicles to deviate from adherence to state traffic laws. This section does not relieve the driver of an authorized emergency vehicle from the duty to comply with all Departmental policies and to exercise prudence and judgment.

**DEFINITIONS:**

**MOTOR VEHICLE PURSUIT**

A motor vehicle pursuit is an active attempt by a law enforcement officer, operating a Departmental vehicle, and utilizing all emergency equipment simultaneously, to apprehend one or more occupants of another moving vehicle, when it is reasonably apparent that the driver of that vehicle is aware of the attempt and is resisting apprehension by increasing speed above the posted speed limit, disobeying traffic laws, or attempting to elude the officer through evasive maneuvers or tactics.

**INITIATING/PRIMARY UNIT**

The unit that initiates a pursuit or any other unit that assumes the lead position.

**MARKED UNIT**

A police vehicle equipped with a roof mounted light bar, siren, and authorized police vehicle insignia. These elements must be present for the vehicle to be considered a marked unit.

**SUPERVISOR**

For the purpose of this section, "supervisor" will include only on-duty supervisors.



Effective date: September 15, 2004

#### **VIOLENT FELONY**

Violent felonies for the purpose of this section include homicide, criminal sexual penetration, armed robbery, kidnapping/false imprisonment, felony aggravated battery inflicting great bodily harm, and aggravated assault with a firearm.

#### **RECKLESS DRIVING/DRIVING WHILE UNDER THE INFLUENCE**

Any person that appears to be operating a motor vehicle in a manner which is in willful disregard of the rights or safety of others, and places the public in immediate danger.

#### **RULES AND PROCEDURES:**

##### **302.01      INITIATING/PRIMARY PURSUIT**

- A. Engaging in a pursuit requires a conscious weighing of the risk of harm should the offender(s) escape against the risk of harm posed by the vehicle pursuit itself. As the pursuit progresses, the Police Officers will evaluate the circumstances and any additional information that becomes apparent.
- B. Prior to making a decision to initiate a pursuit, the Officer shall consider the following factors :
  - 1. The nature of the crime for which the pursuit is being initiated.
  - 2. The current driving behavior being exhibited by the offender(s).
  - 3. The time of day, road, weather, and vehicle conditions.
  - 4. The risk of the pursuit itself.
  - 5. The likelihood that the offender(s) could be apprehended otherwise.
  - 6. Knowledge of the offender(s) identity, possible destination, and previous activities.
  - 7. The risk of harm to others from the offender(s) escape.
  - 8. Any other factors that bear on weighing the risk of continuing the pursuit against the risk of injury or death to any person from the pursuit. There must be a greater than reasonable need to apprehend the suspect.
- C. Prior to engaging any emergency equipment to effect the stopping of a vehicle, the Officer should attempt to note the license plate number and the vehicle description.
- D. Police Officers initiating a pursuit shall immediately notify Metro Dispatch that a pursuit is in progress, giving the following information if possible:
  - 1. Reason for the pursuit.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

2. Present location and direction of travel.
  3. Vehicle speeds involved in the pursuit.
  4. Description of vehicle and occupants.
  5. Number of occupants in the offender(s) vehicle.
  6. Any safety factors that need to be noted.
  7. If a hostage is involved, this fact, along with a description and the exact location of the hostage inside the vehicle, if known.
  8. Under no circumstances will Police Officers pursue in a school zone.
  9. Any additional information requested by the supervisor.
- E. The primary Officer is responsible for broadcasting the progress of the pursuit until relieved by an assisting unit at which time the assisting unit shall assume that responsibility.
- F. Police Officers shall not become involved in another law enforcement agency's pursuit unless authorized by a supervisor. Those Police Officers that do become involved in a pursuit of this nature will comply with the "Jurisdictional Issues" section of this manual.
- G. If aerial assistance is available, and has joined the pursuit, all units will discontinue high speed pursuit. The responding units will then be utilized to tactically apprehend the offender(s), at the direction of the supervisor, utilizing the aerial support.
- H. Slick-top and unmarked units may initiate a pursuit if the unit is equipped with a siren and red/blue flashing lights. When a marked unit with a roof mounted light bar joins the pursuit, all slick-top and unmarked units will terminate the participation of the active pursuit. Slick-top and unmarked units will not join a pursuit in progress. If the initiating unit is unmarked or slick-top, they will continue to monitor the pursuit and respond to the termination point.
- I. Police Officers with a prisoner(s) or ride-a-long in their vehicle will not initiate or join a pursuit.
- J. When the pursued vehicle is lost or the offender(s) abandon the vehicle and flee on foot, the primary or secondary unit shall broadcast necessary information to assist in a search or to return to normal operations. Should the primary Officer become involved in a foot pursuit, the secondary unit or responding supervisor shall be responsible for coordinating the tactics utilized in the apprehension of the offender(s).

**302.02 ASSISTING/SECONDARY PURSUIT UNITS**

Assisting/secondary pursuit units shall:

- A. Engage all emergency equipment.
- B. Notify Metro Dispatch of their identity.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- C. Assume radio communications responsibility, allowing the primary unit to devote complete attention to pursuit.
- D. Police Officers will not parallel or caravan a pursuit, however, Police Officers may proceed into the area of a pursuit in an attempt to gain an advantage and to assist at the termination point of the pursuit. Assisting units may also be utilized in the stopping of the pursued vehicle.
- E. No more than two units will become actively involved in a pursuit, unless specifically authorized by a supervisor. Assisting Police Officers will be alert to the progress of the pursuit and location.
- F. Police Officers involved in a pursuit will not attempt to pass the primary unit unless instructed to by that unit or the primary unit is unable to continue.

**302.03 STOPPING OF PURSUED VEHICLES**

**A. Use of Mechanical Tire Deflation System**

The Gallup Police Department shall utilize the issued mechanical tire deflation system as an acceptable method of terminating a pursuit. The decision to deploy this system shall be based on all information that is available to the Officer. The actual deployment of the system will be based upon the authorization of a supervisor and within these guidelines.

**B. Deployment of the Mechanical Tire Deflation System**

- 1. Deployment shall be in accordance with training guidelines and the manufacturer's instructions.
- 2. The system shall not be utilized to stop the following vehicles unless the continued movement of the pursued vehicle would result in a serious hazard to others.
  - a. Any vehicle known to be transporting a hazardous material as defined in NMSA 1978 section (66-1-4.8).
  - b. Any passenger bus, school bus, or van that is known to be transporting passengers.
- 3. The mechanical tire deflation system shall not be used in locations where geographic configurations increase the risk of injury to the offender(s) or the public (i.e., on roadways bounded by steep descending or ascending embankments, on moderate to sharp curves, on bridges, or at any location where the safety of proceeding or opposing traffic conditions cannot be assured).
  - a. Deployment locations should have adequate sight distances in all directions to enable Police Officers deploying the system to observe the pursuit and other traffic as it approaches.

Effective date: September 15, 2004

- b. The secondary unit should notify the deploying unit as to the conditions of the pursuit, which include: speed, offender vehicle condition, driving behavior, and any other pertinent information needed by the deployment unit.
- c. The secondary unit should notify the deploying unit as far in advance as possible, to allow sufficient time for safe deployment at a predetermined location.
- d. The deploying unit should not attempt to overtake a vehicle being pursued at high speeds in order to position the system for utilization.
- e. At no time during the deployment of the system will an Officer place himself in the direct path of a pursued vehicle that would constitute a safety risk for the Officer.
- f. It is recommended that Police Officers utilize the patrol vehicle or other fixed structures or objects as a cover element in the event that a vehicle being pursued may endanger the safety of the deploying Officer.

**302.04      SUPERVISORY RESPONSIBILITIES**

- A. Supervisory responsibility will be with the initiating pursuit Police Officers on-duty supervisor, or in the event that the on-duty supervisor is unavailable, any on-duty supervisor, up to the Watch Commander.
- B. Upon being notified of a pursuit, the supervisor shall:
  - 1. Assume management and control of the pursuit from the time of notification to the conclusion.
  - 2. Ensure the pursuit is in compliance with the guidelines established in this section.
  - 3. Ascertain if aerial assistance is available and coordinate the tactical apprehension if this support is available.
  - 4. Ensure that all affected public safety agencies are notified.
  - 5. Assist the Officer/supervisor in charge of the pursuit with any necessary support requested.
  - 6. When warranted, terminate or direct Metro Dispatch to have Police Officers terminate the pursuit.
  - 7. When necessary for the protection of the public, call for the establishment of a location to disable the fleeing vehicle by the use of mechanical tire deflation system, or the direct use of deadly force.
  - 8. If a supervisor terminates a pursuit, that supervisor will instruct the pursuing Police Officers to meet at a specified location. The supervisor will obtain all information regarding the pursuit from the Police Officers involved.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

9. If the Watch Commander decides to terminate a pursuit, he may direct the duty Sergeant to meet with the involved officers as outlined in sub-section 8.
- C. A supervisor will respond to the pursuit termination point and assume responsibility for any law enforcement action taken at the scene. Supervisors shall critique each pursuit action regarding adherence to Departmental policy.
- D. At the conclusion of the pursuit, the supervisor will:
  1. Fill out the "Vehicle Pursuit Post Incident Review Form".
  2. Forward the "Vehicle Pursuit Post Incident Review Form", to the Bureau Commander through the chain of command.
  3. Provide copies of the "Vehicle Pursuit Post Incident Review Form", all incident reports and supplemental reports, any other documents, and a cassette of radio transmissions of the pursuit to the Bureau Commander within 48 hours of the incident. The Bureau Commander will:
    - a. Review the pursuit to determine compliance with this SOP Section. The Bureau Commander may conduct a meeting with the supervisor or Police Officers involved in order to thoroughly review the pursuit.
    - b. Prepare a written report of the review and deliver it to the Chief of Police through the chain of command within five (5) working days of the incident.
- E. Watch Commander/Section Supervisors of unit(s) involved in a pursuit shall hold a critique session, preferably during briefing, and discuss positive and negative aspects of the pursuit, and utilize this information as a training aide.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

302.05 METRO DISPATCH RESPONSIBILITIES

- A. When advised that a pursuit is in progress, Metro Dispatch shall;
1. Sound the alert tone.
  2. Immediately notify the concerned supervisor, inform him/her of the units involved, reason for the pursuit, speed, direction of travel, and any public safety concerns noted by the pursuing unit(s).
  3. Notify adjoining jurisdictions of any pursuit entering their jurisdiction, and provide them all pertinent information available.
  4. Inform the Watch Commander of all pursuits as soon as possible.

302.06 JURISDICTION ISSUES

- A. When a pursuit leaves the City of Gallup the Officer will terminate the pursuit if:
1. Directed to do so by a supervisor.
  2. Requested to do so by the jurisdictional agency.
  3. When proper communication become a safety issue.
- B. When a pursuit by another agency enters the City patrol area, the responsible supervisor will determine Department involvement or maintenance of the pursuit.
- C. When another public safety agency pursuit does not meet the standards of this Department's policy, active participation will be prohibited. Any type of assistance extended to a public safety agency will be given when formally requested by the agency involved and will be restricted to the following measures:
1. Blocking of intersection(s) to allow unrestricted and safe passage of vehicles involved in the pursuit.
  2. Metro Dispatch support will be utilized to coordinate the movements of the pursuit and facilitate the timely response of assisting units to the areas involved.
  3. Containment and preservation of the location where a pursuit is terminated, if it is within the City service area.
- D. Every attempt will be made to assist the pursuing agency as resources and safety concerns allow. This assistance must remain within the guidelines of this policy.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: December 8, 2010

302.00

**VEHICLE PURSUITS**

A vehicular pursuit shall be initiated only when a Officer has reasonable grounds to believe that the offender(s) have committed, or are attempting to commit a crime for which the necessity for immediate apprehension outweighs the level or danger created by the pursuit, the Officer has a reasonable belief that the offender(s) has or is committing a violent felony, or presents a clear and immediate threat to the safety of other motorists or the public.

Police Officers involved in pursuits must continually question whether the seriousness of the crime(s) reasonably warrants continuation of the pursuit. At anytime during a pursuit when an Officer or supervisor determines that the danger to the public or Officer(s) outweighs the need for immediate apprehension, the Officer will immediately discontinue the pursuit. The decision of an Officer or supervisor to terminate a pursuit for safety considerations is not subject to discipline.

NMSA 1978 section (66-7-6) authorizes emergency vehicles to deviate from adherence to state traffic laws. This section does not relieve the driver of an authorized emergency vehicle from the duty to comply with all Departmental policies and to exercise prudence and judgment.

**DEFINITIONS:**

**MOTOR VEHICLE PURSUIT**

A motor vehicle pursuit is an active attempt by a law enforcement officer, operating a Departmental vehicle, and utilizing all emergency equipment simultaneously, to apprehend one or more occupants of another moving vehicle, when it is reasonably apparent that the driver of that vehicle is aware of the attempt and is resisting apprehension by increasing speed above the posted speed limit, disobeying traffic laws, or attempting to elude the officer through evasive maneuvers or tactics.

**INITIATING/PRIMARY UNIT**

The unit that initiates a pursuit or any other unit that assumes the lead position.

**MARKED UNIT**

A police vehicle equipped with a roof mounted light bar, siren, and authorized police vehicle insignia. These elements must be present for the vehicle to be considered a marked unit.

**SUPERVISOR**

For the purpose of this section, "supervisor" will include only on-duty supervisors.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: December 8, 2010

**VIOLENT FELONY**

Violent felonies for the purpose of this section include homicide, criminal sexual penetration, armed robbery, kidnapping/false imprisonment, felony aggravated battery inflicting great bodily harm, and aggravated assault with a firearm.

**RECKLESS DRIVING/DRIVING WHILE UNDER THE INFLUENCE**

Any person that appears to be operating a motor vehicle in a manner which is in willful disregard of the rights or safety of others, and places the public in immediate danger.

**RULES AND PROCEDURES:**

**302.01        INITIATING/PRIMARY PURSUIT**

- A. Engaging in a pursuit requires a conscious weighing of the risk of harm should the offender(s) escape against the risk of harm posed by the vehicle pursuit itself. As the pursuit progresses, the Police Officers will evaluate the circumstances and any additional information that becomes apparent.
- B. Prior to making a decision to initiate a pursuit, the Officer shall consider the following factors :
  - 1. The nature of the crime for which the pursuit is being initiated.
  - 2. The current driving behavior being exhibited by the offender(s).
  - 3. The time of day, road, weather, and vehicle conditions.
  - 4. The risk of the pursuit itself.
  - 5. The likelihood that the offender(s) could be apprehended otherwise.
  - 6. Knowledge of the offender(s) identity, possible destination, and previous activities.
  - 7. The risk of harm to others from the offender(s) escape.
  - 8. Any other factors that bear on weighing the risk of continuing the pursuit against the risk of injury or death to any person from the pursuit. There must be a greater than reasonable need to apprehend the suspect.
- C. Prior to engaging any emergency equipment to effect the stopping of a vehicle, the Officer should attempt to note the license plate number and the vehicle description.
- D. Police Officers initiating a pursuit shall immediately notify Metro Dispatch that a pursuit is in progress, giving the following information if possible:
  - 1. Reason for the pursuit.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: December 8, 2010

2. Present location and direction of travel.
  3. Vehicle speeds involved in the pursuit.
  4. Description of vehicle and occupants.
  5. Number of occupants in the offender(s) vehicle.
  6. Any safety factors that need to be noted.
  7. If a hostage is involved, this fact, along with a description and the exact location of the hostage inside the vehicle, if known.
  8. Under no circumstances will Police Officers pursue in a school zone.
  9. Any additional information requested by the supervisor.
- E. The primary Officer is responsible for broadcasting the progress of the pursuit until relieved by an assisting unit at which time the assisting unit shall assume that responsibility.
- F. Police Officers shall not become involved in another law enforcement agency's pursuit unless authorized by a supervisor. Those Police Officers that do become involved in a pursuit of this nature will comply with the "Jurisdictional Issues" section of this manual.
- G. If aerial assistance is available, and has joined the pursuit, all units will discontinue high speed pursuit. The responding units will then be utilized to tactically apprehend the offender(s), at the direction of the supervisor, utilizing the aerial support.
- H. Slick-top and unmarked units may initiate a pursuit if the unit is equipped with a siren and red/blue flashing lights. When a marked unit with a roof mounted light bar joins the pursuit, all slick-top and unmarked units will terminate the participation of the active pursuit. Slick-top and unmarked units will not join a pursuit in progress. If the initiating unit is unmarked or slick-top, they will continue to monitor the pursuit and respond to the termination point.
- I. Police Officers with a prisoner(s) or ride-a-long in their vehicle will not initiate or join a pursuit.
- J. When the pursued vehicle is lost or the offender(s) abandon the vehicle and flee on foot, the primary or secondary unit shall broadcast necessary information to assist in a search or to return to normal operations. Should the primary Officer become involved in a foot pursuit, the secondary unit or responding supervisor shall be responsible for coordinating the tactics utilized in the apprehension of the offender(s).

**302.02      ASSISTING/SECONDARY PURSUIT UNITS**

Assisting/secondary pursuit units shall:

- A. Engage all emergency equipment.
- B. Notify Metro Dispatch of their identity.



Gallup Police Department  
\* Rules and Regulations \*

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Effective date: December 8, 2010

- C. Assume radio communications responsibility, allowing the primary unit to devote complete attention to pursuit.
- D. Police Officers will not parallel or caravan a pursuit, however, Police Officers may proceed into the area of a pursuit in an attempt to gain an advantage and to assist at the termination point of the pursuit. Assisting units may also be utilized in the stopping of the pursued vehicle.
- E. No more than two units will become actively involved in a pursuit, unless specifically authorized by a supervisor. Assisting Police Officers will be alert to the progress of the pursuit and location.
- F. Police Officers involved in a pursuit will not attempt to pass the primary unit unless instructed to by that unit or the primary unit is unable to continue.

**302.03      STOPPING OF PURSUED VEHICLES**

A. Use of Mechanical Tire Deflation System

The Gallup Police Department shall utilize the issued mechanical tire deflation system as an acceptable method of terminating a pursuit. The decision to deploy this system shall be based on all information that is available to the Officer. The actual deployment of the system will be based upon the authorization of a supervisor and within these guidelines.

B. Deployment of the Mechanical Tire Deflation System

- 1. Deployment shall be in accordance with training guidelines and the manufacturer's instructions.
- 2. The system shall not be utilized to stop the following vehicles unless the continued movement of the pursued vehicle would result in a serious hazard to others.
  - a. Any vehicle known to be transporting a hazardous material as defined in NMSA 1978 section (66-1-4.8).
  - b. Any passenger bus, school bus, or van that is known to be transporting passengers.
  - c. Any Motor Cycle
- 3. The mechanical tire deflation system shall not be used in locations where geographic configurations increase the risk of injury to the offender(s) or the public (i.e., on roadways bounded by steep descending or ascending embankments, on moderate to sharp curves, on bridges, or at any location where the safety of proceeding or opposing traffic conditions cannot be assured).
  - a. Deployment locations should have adequate sight distances in all directions to enable Police Officers deploying the system to observe the pursuit and other traffic as it approaches.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: December 8, 2010

- b. The secondary unit should notify the deploying unit as to the conditions of the pursuit, which include: speed, offender vehicle condition, driving behavior, and any other pertinent information needed by the deployment unit.
- c. The secondary unit should notify the deploying unit as far in advance as possible, to allow sufficient time for safe deployment at a predetermined location.
- d. The deploying unit should not attempt to overtake a vehicle being pursued at high speeds in order to position the system for utilization.
- e. At no time during the deployment of the system will an Officer place himself in the direct path of a pursued vehicle that would constitute a safety risk for the Officer.
- f. It is recommended that Police Officers utilize the patrol vehicle or other fixed structures or objects as a cover element in the event that a vehicle being pursued may endanger the safety of the deploying Officer.

**302.04      SUPERVISORY RESPONSIBILITIES**

- A. Supervisory responsibility will be with the initiating pursuit Police Officers on-duty supervisor, or in the event that the on-duty supervisor is unavailable, any on-duty supervisor.
- B. Upon being notified of a pursuit, the supervisor shall:
  - 1. Assume management and control of the pursuit from the time of notification to the conclusion.
  - 2. Ensure the pursuit is in compliance with the guidelines established in this section.
  - 3. Ascertain if aerial assistance is available and coordinate the tactical apprehension if this support is available.
  - 4. Ensure that all affected public safety agencies are notified.
  - 5. Assist the Officer/supervisor in charge of the pursuit with any necessary support requested.
  - 6. When warranted, terminate or direct Metro Dispatch to have Police Officers terminate the pursuit.
  - 7. When necessary for the protection of the public, call for the establishment of a location to disable the fleeing vehicle by the use of mechanical tire deflation system, or the direct use of deadly force.
  - 8. If a supervisor terminates a pursuit, that supervisor will instruct the pursuing Police Officers to meet at a specified location. The supervisor will obtain all information regarding the pursuit from the Police Officers involved.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: December 8, 2010

9. If the Supervisor decides to terminate a pursuit, he may direct the duty Sergeant to meet with the involved officers as outlined in subsection 8.
- C. A supervisor will respond to the pursuit termination point and assume responsibility for any law enforcement action taken at the scene. Supervisors shall critique each pursuit action regarding adherence to Departmental policy.
- D. At the conclusion of the pursuit, the supervisor will:
  1. Fill out the "Vehicle Pursuit Post Incident Review Form".
  2. Forward the "Vehicle Pursuit Post Incident Review Form", through the chain of command.
  3. Provide copies of the "Vehicle Pursuit Post Incident Review Form", all incident reports and supplemental reports, any other documents, and a cassette of radio transmissions of the pursuit to the Bureau Commander within 48 hours of the incident. The Bureau Commander will:
    - a. Review the pursuit to determine compliance with this SOP Section. The Bureau Commander may conduct a meeting with the supervisor or Police Officers involved in order to thoroughly review the pursuit.
    - b. Prepare a written report of the review and deliver it to the Chief of Police through the chain of command within five (5) working days of the incident.
- E. Lieutenants of unit(s) involved in a pursuit shall hold a critique session, preferably during briefing, and discuss positive and negative aspects of the pursuit, and utilize this information as a training aide.

**302.05 METRO DISPATCH RESPONSIBILITIES**

- A. When advised that a pursuit is in progress, Metro Dispatch shall;
  1. Advise that the air is "ten three".
  2. Immediately notify the concerned supervisor, inform him/her of the units involved, reason for the pursuit, speed, direction of travel, and any public safety concerns noted by the pursuing unit(s).
  3. Notify adjoining jurisdictions of any pursuit entering their jurisdiction, and provide them all pertinent information available.
  4. Inform the Watch Commander of all pursuits as soon as possible.

**302.06 JURISDICTION ISSUES**

- A. When a pursuit leaves the City of Gallup the Officer will terminate the pursuit if:
  1. Directed to do so by a supervisor.

Gallup Police Department  
\* Rules and Regulations \*

---

Effective date: December 8, 2010

2. Requested to do so by the jurisdictional agency.
  3. When proper communication become a safety issue.
- B. When a pursuit by another agency enters the City patrol area, the responsible supervisor will determine Department involvement or maintenance of the pursuit.
- C. When another public safety agency pursuit does not meet the standards of this Department's policy, active participation will be prohibited. Any type of assistance extended to a public safety agency will be given when formally requested by the agency involved and will be restricted to the following measures:
1. Blocking of intersection(s) to allow unrestricted and safe passage of vehicles involved in the pursuit.
  2. Metro Dispatch support will be utilized to coordinate the movements of the pursuit and facilitate the timely response of assisting units to the areas involved.
  3. Containment and preservation of the location where a pursuit is terminated, if it is within the City service area.
- D. Every attempt will be made to assist the pursuing agency as resources and safety concerns allow. This assistance must remain within the guidelines of this policy.

GALLUP POLICE DEPARTMENT  
\* RULES AND REGULATIONS\*

Effective date: December 8, 2010

**VEHICLE PURSUIT- POST INCIDENT REVIEW**

This form should be submitted directly to the Deputy Chief through the Chain of Command.

Pursuit Date: \_\_\_\_\_ Time: \_\_\_\_\_ am / pm

Lighting Conditions      Light \_\_\_\_\_      Dark \_\_\_\_\_

Officer Initiating pursuit: \_\_\_\_\_

Was this pursuit determined to be justified and within policy?      Yes \_\_\_\_\_ No \_\_\_\_\_

Determination made by: \_\_\_\_\_ Signature: \_\_\_\_\_

If pursuit was determined not to be within policy was an investigation initiated?

Yes \_\_\_\_\_ No \_\_\_\_\_

Reason for initiating the pursuit (Traffic violation, reckless driving, suspect DWI, felon or suspected felon, violent felon or suspect violent felon, or other:

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Prior to initiating pursuit, did the offender present a clear and immediate serious threat to the safety of other motorists or public, or did the offender commit or was he/she committing a violent felony?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the pursuit continued did officers continually question whether the seriousness of the crime(s) reasonably warranted continuation of pursuit?

Yes \_\_\_\_\_ No \_\_\_\_\_



GALLUP POLICE DEPARTMENT  
\* RULES AND REGULATIONS\*

Effective date: December 8, 2010

How many units were involved in the pursuit? \_\_\_\_\_

Was supervisor notified of the pursuit and the justification for the pursuit?

Yes \_\_\_\_\_ No \_\_\_\_\_

Did the supervisor terminate the pursuit?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the pursuit was terminated, did all officers terminate their involvement immediately?

Yes \_\_\_\_\_ No \_\_\_\_\_

Was a meeting place designated for discontinuing the pursuit?

Yes \_\_\_\_\_ No \_\_\_\_\_

What location was used? \_\_\_\_\_

## DAMAGE AND INJURY REPORT

Number of Gallup Police Department Units damage in the pursuit \_\_\_\_\_

Number of outside agency vehicles damaged in the pursuit \_\_\_\_\_

Number of civilian vehicles damaged in the pursuit \_\_\_\_\_

Number of GPD Officers injured in the pursuit \_\_\_\_\_

Number of civilians injured in the pursuit \_\_\_\_\_

Other property damaged resulting from the  
pursuit \_\_\_\_\_

Number of GPD Officers injured during the apprehension of the  
suspect \_\_\_\_\_

Number of outside agency officers injured during apprehension of the  
suspect \_\_\_\_\_

Number of civilians injured during apprehension of the suspect \_\_\_\_\_

GPD Report Number \_\_\_\_\_



GALLUP POLICE DEPARTMENT  
\* RULES AND REGULATIONS\*

Effective date: December 8, 2010

Is the communication report tape included with this report?

Yes \_\_\_\_\_ No \_\_\_\_\_

If not when will it be turned in? \_\_\_\_\_

Are all applicable accident/injury reports attached?

Yes \_\_\_\_\_ No \_\_\_\_\_

If not when will they be turned in? \_\_\_\_\_

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**SUPERVISOR REVIEW**

Shift Sergeant

Was this pursuit within policy? Yes \_\_\_\_\_ No \_\_\_\_\_

If not was it discontinued? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments:

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Lieutenant:

Was this pursuit within policy? Yes \_\_\_\_\_ No \_\_\_\_\_

If not was it discontinued? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments:

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GALLUP POLICE DEPARTMENT  
\* RULES AND REGULATIONS\*

Effective date: December 8, 2010

Deputy Chief:

Was the pursuit within policy? Yes \_\_\_\_\_ No \_\_\_\_\_

If not was it discontinued? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments:

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Effective date: September 15, 2004

303.00

**EMERGENCY ROADBLOCKS**

The Department shall establish emergency roadblocks for incidents involving public safety, apprehending and searching for violent felony suspects or escapees, and apprehending a fleeing, dangerous felony suspect.

DEFINITIONS:

**EMERGENCY ROADBLOCK**

Emergency Roadblocks are deliberate obstructions of vehicular and/or pedestrian traffic by physical means at one or more selected points on a roadway.

RULES AND PROCEDURES:

303.01      **EMERGENCY ROADBLOCK/GENERAL USE**

- A. Emergency roadblocks may be established at accident, fire, rescue, and unusual occurrence incidents.
- B. An emergency roadblock will be established to:
  - 1. Safely detour or stop vehicular or pedestrian traffic.
  - 2. Ensure safety to persons and property.
  - 3. Establish critical incident perimeters.
  - 4. Identify and gather information from possible witnesses
- C. Police Officers should be uniformed, and vehicles should be highly visible and marked.
- D. The use of emergency equipment, warning lights, stop signs, and roadway cones are advisable to provide clear visibility for approaching motorists.
- E. The average length of time that a motorist is detained at the roadblock and the degree of intrusiveness should be minimized.
- F. All emergency roadblocks will be established only when specifically directed by a supervisor.

303.02      **EMERGENCY ROADBLOCK/SITE SELECTION**

- A. Selection of roadblock locations should:
  - 1. Be based on the best use of available manpower.
  - 2. Be located where geographic configurations decrease the risk of injury to the public and Department personnel.
  - 3. Have adequate sight distances in all directions to enable Police Officers to observe traffic safely as it approaches.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

303.03      EMERGENCY ROADBLOCK/FUGITIVE

- A. An emergency roadblock may be utilized for the purpose of searching for a suspect involved in a violent felony, or an escapee.
- B. The official nature of the roadblock should be immediately apparent.
- C. A visual search of all occupants and all spaces in the vehicle which could conceal the fugitive should be checked.
- D. Police Officers will detain vehicles and persons attempting to circumvent the roadblock.
- E. A log will be maintained on the identity of all vehicle occupants, description of vehicle, and license plate number.

303.04      EMERGENCY ROADBLOCK/VEHICULAR PURSUIT

- A. Police Officers will establish emergency roadblocks at intersections and designated strategic locations to allow unrestricted and safe passage of vehicles involved in a pursuit.
- B. The use of an emergency roadblock for the purpose of stopping a pursued vehicle shall be used as a last resort.
- C. Police Officers who utilize a patrol vehicle as the primary obstruction to stop a pursued vehicle shall not remain inside or in close proximity to the vehicle.
- D. An alternate route for the suspect's vehicle to avoid a collision shall be present at the scene of the roadblock.

303.05      SELECTIVE ENFORCEMENT ROADBLOCK

- A. The FSB will be tasked with operating roadblocks for the purpose of selective traffic enforcement. The following are examples of traffic enforcement efforts:
  - 1. Sobriety Checkpoint
  - 2. Drivers License
  - 3. Registration
  - 4. Financial Responsibility
- B. Police Officers performing official duties at a selective enforcement roadblock will wear reflective traffic vests and utilize a flashlight in the hours of darkness.
- C. The selection for the location and procedures for conducting these roadblocks will be established by supervisory personnel.

Gallup Police Department  
\* Rules and Regulations \*

---

Effective date: September 15, 2004

- D. Selection for the site of a sobriety checkpoint will be made through the use of a traffic analysis that determines the locations impacted by high alcohol related accidents and incidents.
- E. All Emergency Roadblock General Use and Site Selection considerations will be applicable to Selective Enforcement roadblocks.



Effective date: May 29, 2007

304.00

**TRAFFIC AND ROADWAY SERVICES**

The Department shall ensure that appropriate action is taken in a safe and timely manner in all cases where the Department is asked to provide general or emergency assistance to motorists, where it provides public information or directions, and where roadway and roadside hazards are reported to the Department or its personnel or are observed by an Officer.

**RULES AND PROCEDURES:**

304.01            **GENERAL ASSISTANCE TO MOTORISTS**

- A. Police Officers will reasonably attempt to provide assistance to motorists in need of mechanical assistance, i.e., provide jumper cables (if available), etc. Police Officers will not attempt to push start vehicles.
- B. Police Officers will summon the On-Call wrecker at the request of the motorist, after explaining that the motorist is responsible for all towing charges.
- C. Unless necessary to retrieve a child or an animal locked in a vehicle, Police Officers will not attempt to unlock vehicles using "slim jim" or other unlocking devices. Police Officers may summon a locksmith (at the motorist's request) or call a third party when extra keys are available.

304.02            **STRANDED MOTORISTS**

- A. When requested by a stranded motorist, Police Officers may transport the motorist to the nearest service station for fuel. When work load conditions permit, and when no undue delay is anticipated, the motorist may be returned to the vehicle.
- B. Motorists requesting assistance regarding shelter services will be referred to the appropriate agency.

304.03            **HAZARDOUS HIGHWAY/ROADWAY CONDITIONS**

- A. Types of hazardous highway/roadway conditions that require corrective actions are:
  - 1. Debris in the roadway.
  - 2. Defects in the roadway itself.
  - 3. Lack of, or defects in, highway safety features (e.g., impact attenuation devices, reflectors).
  - 4. Lack of, improper, visually obstructed, defective, or down or damaged roadway lighting systems; mechanical traffic control devices and/or traffic control or informational signs.
  - 5. Other roadside hazards, including vehicles parked or abandoned on or near the roadway.
- B. Appropriate action to be taken upon noticing or being advised of a traffic hazard:
  - 1. The Officer will contact the appropriate City or state Department.

Effective date: May 29, 2007

2. If warning lights are necessary, the Officer will contact Traffic Engineering to have warning barricades/lights dispatched. This can be effected through the Metro Dispatch.
3. If barricades or warning lights are necessary, the Officer shall remain at the scene to alert motorists and provide traffic direction when necessary, until the condition has been corrected and/or the warning lights or barricades have been placed at the location.
4. Non-uniformed Police Officers in unmarked vehicles will call for a uniformed Officer with a marked vehicle.
5. Vehicles found parked or abandoned, on or near the roadway, will be handled as outlined in the towing of vehicles section of this manual.

#### 304.04 CLOSURE OF INTERSTATE HIGHWAYS

- A. The on-scene supervisor will notify Metro Dispatch whenever an interstate highway is closed, advising the location of the closure, the reason for the closure, and the expected length of the closure, if possible. Metro Dispatch will notify the State Police office.

#### 304.05 TRAFFIC DIRECTION AND CONTROL

The following procedures will be adhered to during traffic direction and control, for the safety of the public and Department personnel.

#### 304.06 TEMPORARY TRAFFIC CONTROL DEVICES

- A. The basic types of temporary traffic control devices and their uses are as follows:

**OFFICERS** - Utilized to divert or control traffic in lieu of other regulatory devices; should not be used when a traffic signal will alleviate the problem.

**MARKED VEHICLE** - Utilized to block a particular area or street or to provide warning.

**BARRICADE OR ROPE** - Used to block an area or street.

**TRAFFIC CONES OR FLARES** - Utilized to gradually channel traffic from a situation or hazard.

- B. Temporary traffic control devices may be employed for a variety of traffic conditions including but not limited to:

- Emergency conditions such as accidents, fires, hostage situations, riots, road obstructions.
- Non-emergency situations such as parades, sporting events, other planned events involving large gatherings of people or traffic.

Effective date: May 29, 2007

304.07      **MANUAL CONTROL DEVICES**

- A. Officers shall exercise judgment in carefully weighing the necessity of effecting manual control of traffic. Factors to be considered should include, but are not limited to, existing roadway congestion, adverse weather conditions, emergency situations, traffic volume, traffic speed, number of pedestrians, estimated duration of congestion period, and manpower availability and safety.
- B. If manual control is performed at an intersection the existing traffic automated signals should be turned off.
- C. When engaged in the manual direction of traffic, each Officer shall have a flashlight, portable or mobile radio, a raincoat, flares or cones, and a reflective vest.
- D. The issued reflective vest shall be worn while directing traffic. The reflective vest will be worn over rain gear in foul weather conditions. An exception would be during those brief periods of time when initially effecting manual traffic direction on an emergency basis.
- E. When more than one Officer is involved in manual direction or control of traffic within the same area, the first Officer on the scene shall assume the responsibility of coordinating traffic control.

304.08      **HAND AND ARM SIGNALS**

- A. The following hand and arm signals shall be used:
  - **STOP** - The arm is extended at shoulder level with the palm and fingers pointed upward.
  - **PROCEED** - A waving motion across the chest indicating the direction of travel.
  - **URNS** - The arm and hand is pointed at the line of traffic to be turned, and then a pointing motion in the direction the traffic is to be directed to.
  - **PEDESTRIANS** - The Officer must control the vehicular traffic present and coordinate pedestrian traffic into the traffic pattern.

304.09      **FIRE SCENE TRAFFIC CONTROL**

- A. A traffic control perimeter should be established near the scene in order to control access to the scene, but a sufficient distance from the scene to prevent injury to personnel or damage to property.
- B. Fire Department personnel, including volunteer fire units may be utilized to direct traffic at fires, accident scenes or other emergency situations.
- C. An unobstructed traffic-way should be maintained for use by emergency vehicles.
- D. Volunteer fire fighter vehicles should be directed to an area so as not to obstruct the flow of traffic of emergency vehicles.

Gallup Police Department  
\* Rules and Procedures \*

---

Effective date: May 29, 2007

- E. A location should be established for pedestrian (spectators, reporters) control.

304.10      ADVERSE ROAD OR WEATHER CONDITIONS

- A. When the normal control of traffic is impaired during adverse road or weather conditions, (i.e.; sink holes, fog, rain, ice, snow, smog, blowing dust, downed power lines, spillage) officer safety must be paramount.
- B. The same procedures for traffic direction and control shall apply as specified in this procedure.
- C. Additional equipment and officers may be required to adequately perform traffic control in a safe and efficient manner.
- D. Officers requiring additional equipment or personnel shall make such requests through the Communications Center.
- E. Officers shall insure that the situation has been adequately provided for before securing their post. This does not preclude the placement of barricades, cones and/or signs to route traffic around or away from the hazard.



Effective date: September 15, 2004

305.00

**TRAFFIC ENFORCEMENT**

The Department shall enforce traffic and misdemeanor laws of the State of New Mexico utilizing traffic and misdemeanor citations whenever appropriate.

**RULES AND PROCEDURES:**

**305.01**      **CITATION BOOKS**

- A. Citation books will be issued to officers by the Records Clerk. Before accepting a ticket book, it should be checked by the officer for 25 sequentially numbered citations, four copies of each. The book should not be accepted if the contents are not in order. The officer will sign for the citation book when it is received from the Records Clerk.

**305.02**      **TRAFFIC VIOLATIONS/ARREST**

- A. Police Officers will not physically arrest for traffic violations unless the violation requires mandatory appearance as prescribed by state law in Section 66-8-122 NMSA 1978 when:
1. The person requests an immediate appearance before the court.
  2. The person is charged with driving while under the influence of an intoxicating liquor or drugs.
  3. The person is charged with failure to stop in the event of an accident causing death, personal injuries, or damage to property.
  4. The person is charged with reckless driving, or is involved in a vehicular pursuit where charges of resisting or obstructing are applicable.
  5. The arresting Officer has probable cause to believe the person arrested has committed a felony offense.
  6. The person refuses to give his/her written promise to appear in court or acknowledge receipt of a warning notice.
  7. The person is charged with driving when his/her privilege to do so was suspended or revoked for failure to take a breath test or for a breath test of .08 BAC or above pursuant to Section 66-8-111 NMSA 1978; or the person's driving privileges are suspended or revoked for a conviction of driving while under the influence of an intoxicating liquor or drugs pursuant to Section 66-8-102 NMSA 1978.

**305.03**      **ENFORCEMENT OF SPEED LAWS/USE OF RADAR**

- A. The following are the recommended guidelines for the enforcement action to be taken with regard to violators of speeding statutes:
1. 1 to 7 mph (over posted limit) - Written/Verbal Warning.
  2. 8 to 14 mph (over posted limit) - Citation/Written Warning.



Gallup Police Department  
\* Rules and Regulations \*

Effective date November 15, 2004

3. 15 mph and over (over posted limit) - Citation.
- B. The following are policies regarding the use of radar:
1. Radar equipment should not be used on main roadways during moderate to peak traffic periods.
  2. Supervisors will determine location, periods of operation, number of Police Officers involved in any radar operation.
  3. Care will be taken to avoid danger from traffic flow when stopping violators, and to have violators park away from the traffic flow.
  4. Certification to operate radar units is mandatory.
- C. Radar units with built-in and/or tuning fork calibration will be checked at the beginning and ending of each shift.
1. Units which do not perform to manufacturer's accuracy standards will be taken out of service until repaired.
- D. Radar units will not be operated within 300 feet of any speed limit sign, except posted school zones.

305.04      UNIFORM TRAFFIC CITATIONS

- A. Police Officers will utilize the New Mexico Uniform Traffic Citation, when charging a person with a moving violation as defined in state statutes as follows:
1. Police Officers issuing a notice to appear in court citation, penalty assessment citation, or warning citation will:
    - a. Complete all information requested on the citation that is available.
    - b. Have the violator sign the appropriate acknowledgement.
    - c. Provide the violator a copy (bottom-blue border) of the citation.
    - d. Will not accept payment of a penalty assessment.
    - e. Release violator in a timely manner.
- B. Pursuant to state law section 66-8-123E, NMSA 1978, any Officer violating the rules of this section is guilty of misconduct in office and is subject to removal.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- C. Police Officers will advise all drivers that non-compliance with the terms of the citation may result in a suspension of their drivers' license. A suspension for non-compliance remains in effect until sufficient proof of compliance is met.
- D. If violators refuse to sign a citation, they will be booked and the citation marked "booked".
- E. When a violator is found to have an outstanding warrant, the violator will be booked on the warrant and allowed to sign the traffic citation.
- F. Police Officers are required to submit a State of New Mexico Complaint form when booking traffic violators. The form will meet all requirements prior to submission.
- G. An Officer who observes a traffic violation while out of uniform will not call a uniformed Officer, who has not observed the violation, to the scene to issue a traffic citation (Refer to N.M. Statutes 66-8-124, case law, limitation on arresting power of non-uniformed Officer).

305.05      PRIVATE PROPERTY

- A. Issuing traffic citations on private property is limited to the following offenses:
  - 1. Driving while intoxicated.
  - 2. Reckless driving.
  - 3. Leaving the scene of an accident.

305.06      PROTECTED/ARMORED VEHICLES

- A. The driver will present their license by either holding it up to the glass or passing it out the gun port to the Officer.
- B. The Officer will obtain the needed information for the citation.
- C. The citation will be held for 24 hours or until the driver comes in to sign the citation.
- D. If the driver fails to sign the citation within the time allotted, the company will be notified and will assure that the driver responds.

305.07      OFF-DUTY ENFORCEMENT

- A. Off-duty Police Officers may enforce traffic laws under the following conditions:
  - 1. Police Officers must be in a Police Department vehicle equipped with emergency equipment to stop a violator.
  - 2. Police Officers, upon stopping a violator, will put on their utility uniform jacket, "raid jacket", or approved uniform jacket.

Effective date: September 15, 2004

3. If a citation is issued by an off-duty Officer, the citation will be transferred by the Officer to an on-duty Officer or on-duty supervisor.

**305.08          ISSUING A CITATION**

- A. Police Officers will use black ink to fill in all appropriate spaces on the face of the citation; however, violators are not required to provide social security numbers.
- B. Police Officers will not mark out or write over information on the face of a citation, but instead will void the citation and issue a corrected one in its place.
- C. Police Officers will turn in copies of issued and/or voided citations to a supervisor at the end of their shift.
- D. When a Traffic Citation is to be voided, the following procedures shall be followed:
  1. All copies, including the violators', shall be turned in together (stapled) with the word "VOID" written across the citation.
  2. On the citation, the voiding Officer shall write a brief explanation for the action and then initial it.
  3. If all copies of the citation are not available, a memo explaining the circumstances of the voided citation from the issuing Officer will be attached to the remaining copies. The memo and copies will then be forwarded to the Bureau Commander.

**305.09          ISSUE OF SUMMONS**

- A. There are three (3) distinct ways an Officer may issue of summons for a misdemeanor.
  1. To any person(s) he/she has probable cause for believing has committed the crime of assault or battery as defined in Section 30-3-1 through 30-3-5 NMSA 1978, public affray, shoplifting, driving while intoxicated or a misdemeanor infraction, as a result of a traffic accident investigation (known as the five exceptions);
  2. For any misdemeanor committed in the Officer's presence;
  3. For any misdemeanor, witnessed or not, for which a statement has been obtained from both the complainant and the suspect and that has been approved by the Officer's immediate supervisor.
    - a. Number three (3) is predicated on the District Attorney's representations that such issuance is not a violation of constitutional rights. The District Attorney represents that a summons is not equivalent to an arrest because jeopardy does not attach, and the suspect is allowed a hearing before an impartial third party.

Effective date: June 12, 2007

**306.00 POLICE ESCORTS**

The purpose of this directive is to provide guidelines and specify circumstances under which escort services will be provided

Vehicular escorts are provided for a variety of reasons, i.e., emergency situation, funerals, the relocation of wide loads, providing for the safety of public officials and dignitaries, or for the safe transport of hazardous or unusual cargo.

In medical emergencies, whenever possible, the patient should be transported by ambulance. A sworn member must use discretion in such situations and make a determination of the time and distance to a hospital or medical facility and the arrival time of a rescue unit or ambulance. If an ambulance is called to transport a patient, the officer may assist in escorting the ambulance if ambulance personnel request it.

**306.01 PROCEDURES FOR SWORN PERSONNEL**

A. Sworn personnel that have been requested to provide an emergency escort of an individual or a civilian vehicle will contact a field commander and advise him/her the circumstances surrounding the request. If one is not available, the officer will use his/her discretion in conducting the escort. If an escort is given, the following rules will apply:

1. The first duty of the escorting officer in an emergency situation is to assure that the escorted vehicle arrives safely at the hospital or medical facility.
2. Sworn personnel providing emergency escorts of civilian vehicles shall notify Communications personnel of the following:
  - present location
  - escort route
  - intended destination
  - nature of illness or injury
3. Officers shall request that McKinley County Metro Dispatch Authority Personnel immediately notify the appropriate medical facility of the escort and the estimated time of arrival. Information as to the nature of the medical emergency will also be relayed.
4. While providing an emergency escort, sworn members shall utilize full emergency equipment (overhead lights and siren) and at all times operate the police vehicle in a reasonable and prudent manner, with due regard for prevailing road, traffic, weather conditions and traffic control devices and insuring that intersections are clear prior to crossing.
5. Upon arrival at the destination point, the officer shall notify communications that the escort has been completed.

B. State of New Mexico regulations and laws governing operation of authorized emergency vehicles will be adhered to whenever operating a motor vehicle under emergency conditions and failure to comply with said regulations and laws will not relieve the operator of liability.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

**306.02      EMERGENCY ESCORTS OUTSIDE CITY LIMITS**

- A. Sworn members shall not provide emergency escorts outside the jurisdiction of the City of Gallup, unless specifically authorized to do so by a Commander.
- B. If a sworn member should escort someone out of the City on an emergency escort, (after being authorized), the sworn member shall notify Communications personnel, who will notify the appropriate law enforcement agency of the escort route and destination.

**306.03      DIGNITARY, PUBLIC OFFICIAL OR UNUSUAL ESCORTS**

- A. The Gallup Police Department may be asked to escort dignitaries and public officials.
- B. When the Gallup Police Department is asked to handle escorts for oversized vehicles or unusual escorts, the following procedures shall be followed:
  - 1. Permits shall first be obtained from the Code Enforcement Division for the City of Gallup. The permit shall state the route of the escort, the type of cargo and/or vehicle, the approved number of vehicles involved and date the escort is requested. Officers shall be sure the permit is correct before any escort is given.
  - 2. After receiving approval from the Chief's Office, the Patrol Commander shall be responsible for coordinating the escort.
  - 3. On oversized vehicles, private escort companies shall coordinate with the escorting officers. Prior to commencing the escort, officers shall ensure that traffic engineers and the Public Service Company of New Mexico have been contacted so, if necessary, barriers may be moved or removed (i.e. traffic lights, power lines, etc.) or if the escort needs to be re-routed over bridges, etc., the engineers will be available to assist.
- C. When the Gallup Police Department is asked to escort hazardous cargo, the requesting party shall be referred to the New Mexico Department of Public Safety, State Police Division, as they are the designated Haz-Mat Team for the State of New Mexico. This department shall assist the State Police if they request our assistance.
- D. All routine escorts shall be coordinated through the Day Shift Commander and will not be conducted during the following hours: 7:00 a.m. to 9:00 a.m., 11:00 a.m. to 1:00 p.m. and 4:00 p.m. to 6:00 p.m. Routine escorts are not to interfere with calls for service and can be approved by the on-duty commander.

**306.04      FUNERAL ESCORTS**

- A. Requests for funeral escorts shall be coordinated through the Field Services Division and shall be handled by the Public Safety Aides or patrol officers. When they are unavailable to provide the escort, a uniformed officer shall conduct the escort.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: October 3, 2008

**307.00      EMERGENCY RESPONSE TEAM**

The Gallup Police Department Recognizes that the presence of highly trained skilled police tactical unit substantially reduces the risk of injury or loss of life to citizens, police officers and suspects; and recognizing that a well managed "team" response to critical incidents usually results in successful resolution of critical incidents. It is the intent of the Gallup Police Emergency Response Team (ERT) to provide a highly trained and skilled tactical team as a resource for the Gallup Police Department and other agencies as approved for the handling of critical incidents and the service of high risk warrants.

**307.01      EMERGENCY RESPONSE TEAM DUTIES AND RESPONSIBILITIES**

- A. **Commander** - A command position, by Chiefs assignment. The Commander has overall command of the ERT Unit unless relieved by the Chief of Police. Duties and responsibilities include the following:
1. Ensures the Unit is mission capable at all times.
  2. Approves, coordinates and documents all training, schools, and After-Actions Reports for the ERT Unit.
  3. If applicable, Coordinates command post activities of all ERT Units on scene.
  4. Assumes the role of Team Leader in the event the regular Team Leader is unavailable.
  5. Monitors the overall effectiveness of the Team and identifies the need for training.
  6. Respond to incidents as needed or requested by the Chief, Deputy Chief, Team Leader or an Incident Commander.
- B. **Tactical Team Leader** - The Team Leader is responsible for deployment and tactical mission planning of the operation. Duties and responsibilities are as follows:
1. Assists the Unit Commander as necessary, keeping the Commander apprised of call out situations. Sets up and maintains the Tactical Operation Center/Command Post for the ERT Unit call-out.
  2. The Unit Commander or designated Sergeant is responsible for scheduling Unit Training, proposing lesson plans for training, record maintenance, completion of the officer skills checklist, and maintenance of the ERT tactical file. Will keep a separate and complete copy of the records that the commander has.
  3. Prepares and briefs the tactical plan on an ERT call-out.
  4. Plans Unit Training and submits training briefs and schedules to the Unit Commander for approval.
  5. Ensures that all Team equipment is accounted for and maintained properly by appropriate Team members.
  6. Acts as the Unit Commander in the Unit Commander's absence.
- C. **Tactical Operator and Precision Rifle Officer**

Gallup Police Department  
\* Rules and Procedures \*

Effective date: October 3, 2008

Responsibilities and duties include the following:

1. Following directions.
2. Provides timely information of on-scene activity.
3. Engages selected targets when authorized to do so by law, policy ethics and/or by the Unit Commander, or a Team Leader.
4. Assist in scouting incident locations or target assignments as directed by the Team Leader.
5. Be a team player and maintain a positive attitude.
6. Use common sense and sound judgments.
7. Maintain a good working relationship with fellow team members, other officers, other department members and supervisors.
8. Be diligent in the performance of not only your ERT Unit duties, but in your overall performance as a law enforcement officer.
9. Maintain equipment in a state of mission readiness.

D. **Primary Negotiator** - A Negotiator's responsibilities and duties are as follows:

1. Obtain a briefing from the ERT Unit Commander or designee.
2. Select a safe location, approved by the ERT Unit Commander, for establishing the Negotiations Operations Center (NOC).
3. Prepare the communications equipment for operation.
4. Assure approval is obtained from ERT Unit Commander or designee prior to contact with the suspect.
5. Begin the rapport building and intelligence gathering process with the suspect.
6. Assist any patrol officer or detective who may have initiated conversation and developed rapport.
7. Record all aspects of negotiation proceedings when possible.
8. Clear all concessions or decisions affecting the tactical operations or negotiations strategy through the ERT Unit Commander.
9. Negotiate in good faith, unless otherwise authorized by ERT Unit Commander.
10. Attempt to keep the suspect mentally occupied.
11. Maintain a log of significant events.
12. Maintain notes of developments and profiles of suspect(s) and/or hostages.
13. All Negotiators will be assigned to the Emergency Response Team. Although the negotiators are members of the team they are not required to meet the shooting and physical fitness requirements.

**Secondary Negotiator** - A negotiator Team officer whose responsibilities and duties are as follows:

1. Obtain a briefing from SWAT Unit Commander, designee or primary negotiator.
2. Assist the primary negotiator with his/her assigned duties.

Effective date: October 3, 2008

3. Maintain a log of significant events.
4. Maintain notes of developments and profiles of suspect(s)
5. Monitor the primary negotiator for loss of objectivity to assure goals are not compromised.
6. Assist in drafting responses to suspect demands and give new ideas to the primary negotiator.
7. Keep the SWAT Unit Commander or designee up to date on status of the negotiations progress

#### **Precision Rifle Team**

Precision Rifle Team Officer: Primary purpose is to be gathering ongoing real-time information and then reporting. The secondary purpose is to be prepared to resolve life threatening incident by a well-placed shot. In order for them to accomplish their primary purpose, they should not be assigned activities that take them out of position or off their weapons.

Officers can accomplish their primary purpose while in position and on their weapons. Precision Rifle Team Officers will be assigned in pairs. The second officer is assigned the role of observer. The officer will provide additional support and relief for the team.

Precision Rifle Option: Best option with the highest probability for success. The utilization of a trained precision rifle officer in his/her role has been proven to be an effective resolution method. This requires the preparation of an entry group to clear the location and a hostage control group to quickly control the reaction of the hostages.

#### **307.02      COMMANDER RESPONSIBILITIES**

- A. The Gallup Police (ERT) Unit believes in and supports the Incident Command System. The ranking officer on-scene becomes the Incident Commander and the ERT Unit Commander/Team Leader reports directly to the Incident Commander. Once the tactical option is initiated the ERT Unit Commander/Team Leader is responsible for the deployment, decision making, and tactical resolution of the incident. ERT members assigned to the Gallup Emergency Response Team become subordinate to the ERT Unit Commander/Team Leader until it is determined that the activation is over.
- B. The Incident Commander manages the incident. Responsibilities include but are not limited to: ensuring that patrol needs are met, assisting with outer perimeter manpower, personal needs, and assigning a Public Information Officer (PIO).
- C. The Incident Commander establishes a Command Post (CP) and controls the incident as necessary. This includes but is not limited to manpower and equipment needs and providing action plans to acquire relief needed for lengthy operations.
- D. The ERT Unit Commander will operate out of the Command Post (CP), while engaged in the planning process. Unless the ERT Commander must deploy with

Gallup Police Department

\* Rules and Procedures \*

Effective date: October 3, 2008

the team during the operation due to shortage of team members. The ERT Unit Commander and the Team Leader must constantly weigh their options against whether or not they have the capability to accomplish the operation.

- E. The Team Leader will respond to the designated staging area where the ERT members are assigned. All ERT members should respond and deploy as directed or in consideration of the circumstances.
- F. If the Scene is not stabilized, the ERT Team Leader will direct all team members to respond in rapid deployment directly to the scene. As ERT officers arrive on scene they will deploy, in groups of two into the crisis area to attempt to stabilize the situation by location, containing, and if necessary neutralizing the threat.

307.03      **EMERGENCY RESPONSE TEAM OPERATIONS**

- A. Hostage Situations/False Imprisonment/Kidnapping: The holding of any person(s) against their will by an armed or potentially armed suspect.
- B. Barricade Situations: The stand-off created by an armed or potentially armed suspect in any location whether fortified or not, who is refusing to comply with police demands for surrender.
- C. Sniper Situations: The firing upon of citizens and/or police by an armed suspect, whether stationary or mobile.
- D. High-Risk Apprehension: The arrest or apprehension of armed or potentially armed suspect where the likelihood of armed resistance is high.
- E. High-Risk Warrant Service: The service of search or arrest warrants may require the use of the ERT Unit. This decision is to be made by the supervisor of the affiant of the warrant.
- F. Personal Protection: The security of special persons such as VIPs, witnesses, or suspects based on a threat or potential threat to the well-being of those persons.
- G. Crowd, Riot Control Situations: The control or movement of unruly persons causing public disturbance or riot conditions.
- H. Special Assignment Situations: Any assignment approved by the Unit Commander, based upon the personnel, training, experience or equipment or weapons are necessary.
- I. Any situation: Which the Agency shift supervisor or watch commander determines may be a time intensive situation or in which special equipment or weapons are necessary.
- J. Crime Suppression Patrol Situations: Utilizations of the Unit as a resource in patrol situations when special tactics or equipment is necessary.
- K. Rapid Deployment Situations (Active Shooter): ERT Unit Officers first on scene or first team members responding to a critical incident work to stabilize the situation as soon as possible.

307.04      **ACTIVATION PROCESS**



Gallup Police Department

\* Rules and Procedures \*

Effective date: October 3, 2008

- A. ERT Activations take precedence over all other assignments within the Gallup Police Department. ERT members assigned to the Gallup ERT become subordinate to the ERT Commander/Team Leader until the ERT Commander/Team Leader determines that the activation is over. The Deputy Chief or designee has the authority to immediately activate the team for any critical incident within jurisdictional boundaries. The activation will commence when the On Duty Supervisor contacts the Deputy Chief or a Designee if the Deputy Chief is unavailable and briefs him/her on the incident. The Deputy Chief or designee then takes responsibility for the activation by contacting Metro and having a Group Page procedure activated.
- B. **The On Duty Supervisor should utilize the Pager process to alert the Deputy Chief.** This can be accomplished by having Metro Dispatch utilize the following numbers.
  1. Deputy Chief phone number 505-870-4787
- C. The Deputy Chief or his/her Designee will then contact Metro Dispatch and have the following group Page activated.
  1. WEB -Contact Wireless Procedure, Group Page Number 505-949-0003.
- D. The ERT Commander will be contacted on all Team activations. In cases where the Deputy Chief cannot be located The ERT Commander or team leader has authority to activate the team.
- E. Generally, ERT Unit members will be notified of a deployment or call out by way of the pager system. In response to a call-out recognizing that a speedy response is required and that less trained and prepared uniform officers are currently managing the scene. The following will generally be the response procedures for the ERT Unit:
  1. Receive the Mission: Obtain the initial information on the situation including all necessary details to enable the Unit to deploy. Where to stage and if rapid deployment is necessary this function shall generally be performed by the Unit Commander/Team Leader or Designee.
  2. Issue the Call-Out: The Unit commander or designee will make a quick assessment of the information provided and determine whether other assets are going to be used or deployed. Generally, it's better to provide that information to the Metro dispatcher and have dispatch do the unit page and call-out. **However**, if necessary because of pager failure, the Unit Commander may contact a Team Leader who would start a phone list recall. The Team Leader may contact team members and any other support personnel. The initial information given to Team members should include type of uniform, special equipment, a safe place to stage, and a time to be there and whether or not this is a rapid deployment situation.
  3. Make a Tentative Plan: Using the initial information provided the Unit Commander or Team Leader begins planning the operation based on training and experience. Early planning done at this time allows for specific planning to occur more rapidly. The tentative plan also gives focus to a reconnaissance plan and any contingency plans.
  4. Conduct Team Leader Planning: As quickly as possible the Team Leader should get "eyes on" the target. From this inspection of the incident, necessary details are gained which allow for in-depth planning and completion of the resolution strategy. During the



Gallup Police Department

\* Rules and Procedures \*

Effective date: October 3, 2008

scouting of the location the Team Leader designates the "one side" and gives the Precision Rifle operator areas of responsibility.

5. Complete the Plan: The Team Leader provides the strategy to the Unit Commander who then documents the tactical plan and begins operations to support the strategy. Coordinates with any other support personnel takes place at this time. If approval of the plan by command level staff is required, it is done at this time.
6. Brief the Plan: The Plan including the resolution strategy is briefed to all members participating in the operation. This can be done by either briefing all Unit members and support personnel at one time or briefing Team Leader and having them brief their personnel. Personnel who have not received the briefing may not be allowed to participate depending on the circumstances.
7. Supervise and Refine: During this phase the plan is measured against all changes to the tactical and the negotiation situation on an ongoing basis. Rehearsals and inspections occur and mission-readiness is maintained.

**307.05      ERT UNIT - TEAM RULES**

A. Guidelines

1. Practices are mandatory. Members may be excused from practice, however if a member is unable to attend he or she needs to notify the ERT Unit Commander and the Team Leader by memo if they know of a conflict in advance or by pager the day of practice. More than one unexcused practice may result in removal from the Unit.
2. Incidents - Members are expected to be at all incidents unless on vacation, out of the city, family crisis, health issues or alcohol consumption. Should a member be planning an event that makes him or her unavailable they should notify the ERT Unit Commander as soon as possible by memo or by phone if it is an emergency. Excessive unavailability may result in removal from the Unit.
3. Overall - Members are expected to participate in the betterment of the Unit and its quality by participating in projects that assists with improving Unit moral.
4. Specialties - Each Unit Member is assigned specialized weapons and duties that are necessary elements of the Unit functions. It is the member's duty to maintain proficiency with an assignment and carry out obligations as assigned.
5. Fitness - Tactical Team Unit Members are expected to maintain excellent physical condition and be able to pass the bi-annual fitness test at 60<sup>th</sup> percentile or better. When a particular fitness test is failed they have 30 days to retake all aspects of the entire test and pass the test. Should the test not be passed then the individual will be released from the team. A written physician's explanation is necessary to excuse any testing. If a member has a physicians excuse then they will be on inactive status until a release is received. At that time the individual will then test.
6. Firearms - All firearm qualification for ERT members must be passed with a score of 85% or above. All long gun scores must be 100%.

**307.06      BASIC UNIFORMS AND UNIT EQUIPMENT**

Gallup Police Department

\* Rules and Procedures \*

Effective date: October 3, 2008

- A. Uniforms and equipment are issued to each Unit member and shall be maintained in proper working order and repaired when necessary with supervisory approval.
- B. Damaged or lost equipment shall be reported to the member's Team Leader. Team Leaders shall report this to the unit Commander and a written statement may be necessary from the officers involved, the item may be replaced if unavailable.
- C. Specialized equipment may be limited because of budgetary issues and the equipment shall be assigned based on Unit needs or officers assignment.
- D. Each Tactical Team member may be issued the following basic equipment:
  - 1. One set of black BDU coverall, having the ERT shoulder patches and a badge.
  - 2. Load bearing vest with POLICE markings with Level 3A ballistic panels.
  - 3. Gas mask and carrier.
  - 4. Radio with E.R.T. channel.
  - 5. Ballistic helmet.
  - 6. Tactical Team Officers may consider purchasing additional personal equipment at their own expense. Such as goggles or safety glasses additional cold weather gear, an equipment bag, leg/elbow/shin and groin protection, a tactical holster and additional carriers.
  - 7. Negotiator Team members will be issued a black BDU uniform with Gallup Police ERT Unit patches and must be clearly identified as "Police" on any deployment or incident.
- E. Uniform and equipment purchases will be based on assignment and Unit needs. Ongoing equipment purchases shall be completed based on testing and evaluation by team members and purchases shall be done on a priority system of needs within the Unit.

307.07

TRAINING

- A. The Training for the Gallup Police ERT Unit will center on the mission statement as contained in department policy. As a result of the policy review the Team Leadership has created a skills list that will allow officers to develop and certify in individual and Team skills that are required for the Unit to successfully conduct operations. Those skills will create the basis for the training of the ERT Unit.
- B. The Unit Commander will be responsible for keeping the training content current and in keeping with the standard practices of the unit. All training will be documented and training records will be kept in Unit files and at the Gallup Police Department for a period of ten years.
- C. Training will also include certification of Unit members to utilize specific items of ERT equipment in the performance of their duties. Only those ERT officers certified to use specific items of equipment will be allowed to utilize them during operations. **The Gallup Police ERT will conduct training a minimum of 16 hours per month.** Failure to maintain unit skills may lead to removal from the Unit as per procedures set forth

Gallup Police Department

\* Rules and Procedures \*

Effective date: October 3, 2008

in the General Directives. Unit skills may be demonstrated in training, physical testing, qualifications, deployments, verbal and written tests.

- C. **Negotiator Training:** All Negotiators will be required to successfully complete an approved basic training course in hostage negotiations.
- D. **Precision Rifle Officer:** Will train live fire with their assigned long guns no less than two hours every other week. They will keep a log of their training and shot placements. They will give a copy of this to the team leader and commander once a month.

307.08      **SELECTION PROCESS**

- A. The Gallup ERT will select all prospective members from a list of officers who have submitted a letter of interest.
- B. Criteria for selection will be based on the following:
  - 1. Time of service.
  - 2. Satisfactory job performance.
  - 3. Satisfactory physical fitness levels.
  - 4. Score 85% with pistol and 100% with rifle.
- C. The team members will be placed on one year probation from the time of selection.
- D. A team member may be removed from the team by a consensus of the leadership elements of the team and approved by the Chief of Police.
- E. **Negotiator Selection Process** - The Gallup Police Department will select all prospective applicants from a list of officers who have submitted a letter of interest. Selection will be based on the following:
  - 1. Good verbal communication skills.
  - 2. Problem-solving abilities.
  - 3. A Minimum of 3 years of law enforcement experience.
  - 4. Pass a written test and oral board.

307.09      **COMMUNICATIONS**

- A. **Events** - It is the Commanders responsibility to notify team supervisors of upcoming events such as practices or planned Unit usage as soon as possible to allow for shift coverage.
- B. **Unit** - Unit member input is invaluable and Unit members are expected to provide input about Unit issues when appropriate and in an appropriate manner. This includes training, projects, personal issues and incidents. Negative comments about other ERT Unit or Unit members will not tolerated and may lead to dismissal from the Unit.
- C. **Incident** - In most situations a debriefing is held immediately following an incident. Member participation is mandatory. The debriefing are without rank so that any member may voice concerns for the improvements of the Unit.
- D. **Personal** - As with any group of people personal issues arise. Officers are expected to resolve these matters professionally. They should be handled between the involved members. If this cannot be done the issue

Gallup Police Department

\* Rules and Procedures \*

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Effective date: October 3, 2008

should be brought to the attention of the Unit Commander or Team Leader for resolution. The integrity of the Unit cannot be comprised and officers who bring disgrace or lack of confidence to the team, perform poorly and/or cause Unit problems will be dismissed.

E. **Overall Unit Goal:** Save lives and protect property.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

308.00

**HAZARDOUS MATERIALS**

The Department shall respond to hazardous material incidents and provide a maximum amount of safety to Police Officers and citizens.

DEFINITIONS:

**HAZARDOUS MATERIALS**

Those substances which in quantity or form constitute an unreasonable risk to the health and welfare of the public. They fall into the categories of gases, liquids, explosives, oxidizers, solids, corrosives, poisons, and radioactive materials.

RULES AND PROCEDURES:

308.01      **INITIAL RESPONSE**

- A. The Emergency Management Act (74-4B-1, NMSA 1978) designates the New Mexico State Police as the agency responsible for central coordination and communication in all instances of hazardous material accidents.
- B. Duties of the dispatched Officer:
  1. From a safe distance, assess the situation by observing Hazardous Material Placards, reviewing shipping papers, interviewing drivers/victims, and make an on-scene evaluation.
  2. When a hazardous condition exists, contact the N.M State Police district dispatcher and the City of Gallup Fire Department via Communications.
  3. Establish a safe perimeter around the accident/incident scene using additional units as necessary for traffic/crowd control.
  4. Notify the field supervisor of the situation.
  5. Evacuate the areas that are in need of immediate attention. If evacuations are deemed necessary, a log will be maintained of evacuees, locations evacuated, and where the evacuees were directed and can be located.
  6. Supervisors will immediately respond to the incident location and assume control.

308.02      **HAZARDOUS MATERIALS/EXPLOSIVES**

- A. If the hazardous material is identified as an explosive or an explosive device, the New Mexico State Police, and Gallup Fire Department will be immediately notified. Scene parameters will be adjusted for the additional risk as needed.



Gallup Police Department  
\* Rules and Regulations \*

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Effective date: September 15, 2004

308.03           DISPOSAL OF HAZARDOUS WASTE MATERIAL

- A. When Police Officers come in contact with hazardous waste material (e.g., chemicals and solvents) that do not pose an immediate health hazard, the citizen will be instructed to contact the City of Gallup for disposal instructions.

308.04           HAZARDOUS MATERIALS AS EVIDENCE

- A. If any hazardous materials are needed for evidence, the Officer shall contact Evidence for instructions and assistance in the proper handling and packaging for storage.
- B. Before tagging such items into Evidence, the Evidence supervisor shall be notified.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

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Gallup Police Department  
\* Rules and Regulations \*

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Gallup Police Department  
\* Rules and Procedures \*

Effective Date: April 2, 2007

309.00

**COMMUNICATIONS**

The McKinley County Metro Dispatch Authority (MCMDA) shall coordinate the delivery of law enforcement services with requests from citizens and Department personnel utilizing radio, telephone, and digital Communications equipment.

**RULES AND PROCEDURES:**

**309.01      USE OF EQUIPMENT**

- A. Communications equipment is to be used for official business only, as follows:
1. Plain text shall be used when transmitting.
  2. All references to time shall be in military (24 hour) time.
  3. Necessary language shall be short and relevant.
  4. When feasible, lengthy messages shall be given to the Metro Dispatch center by telephone, or on a non-dispatch channel.
  5. Personnel shall be impersonal on the air. Jokes, wisecracks, or voice inflections that reflect or indicate irritation, disgust or sarcasm shall not be used.
  6. Transmissions should not be acknowledged unless they are understood.
  7. In accordance with Federal Communications Commission (FCC) procedures.

**309.02      UNIT LOCATION/RESPONSE**

- A. Patrol officers shall inform the radio telecommunicator when they initially go into service they shall give their assignment (usually the district number), car number and advise that they are in service.
- B. When any unit is called by the telecommunicator, the unit will promptly respond with his unit number and location.
- C. Personnel equipped with a radio shall advise the telecommunicator of their status (e.g., in-service, out-of-service, etc.).
- D. When using a radio in a mobile unit, personnel shall identify themselves by their assigned number.
- E. Personnel shall acknowledge all transmissions directed to them, and keep the telecommunicator informed of all changes in status, including arrival at, and clearing the scene of a call.
- F. Personnel, who leave their patrol vehicle, or other Department vehicle, shall notify the telecommunicator of his location, and the fact that he will be using the walkie-talkie.

Gallup Police Department  
\* Rules and Procedures \*

Effective Date: April 2, 2007

- G. Personnel assigned to the Chief's Office, the Criminal Investigations Division, supervisors, officers in the Narcotics Division, or in other undercover capacities are exempt from these requirements.

**309.03          ALERT TONE**

- A. Units will cease transmitting when an alert tone or a "stop transmitting" is ordered. The alert tone will be used for in-progress crimes, Officer in trouble calls, Officer involved in an accident with injuries, pursuits, or other serious incidents where the safety of an Officer is involved.

**309.04          CALLS CONSIDERED OFFICIAL ORDERS**

- A. All calls by the Metro Dispatch will be considered official orders. Any questions in reference to such transmissions are subject to review only after the call has been responded to and handled. This does not limit a supervisor's authority to countermand a dispatch for justifiable cause.

**309.05          CURRENT STATUS**

- A. Personnel using any Department vehicle shall notify the Metro Dispatch center of their status.
- B. Personnel using vehicles during off-duty time shall use the suffix (X-RAY) following their radio call number during initial contact with the Metro Dispatch center.
- C. Personnel may use their vehicles when they are off-duty for Department related purposes such as court appearances, and Department meetings.
- D. Personnel may use their vehicles, for general transportation purposes when off-duty, during their on-call period.

**309.06          REQUESTS BY OTHER AGENCIES**

- A. Requests for support services from outside law enforcement agencies will be handled as follows:
1. Life threatening emergencies will be honored immediately.
  2. Non-emergency service requests will be honored if approved by the supervisor in the appropriate area command.

**309.07          METRO DISPATCH CENTER**

- A. The Metro Dispatch center is a RESTRICTED AREA. The only personnel authorized access to the Metro Dispatch center are personnel assigned to the center.
- B. Unauthorized personnel shall not be permitted into the center without the permission of the Metro Dispatch supervisor, Watch/Division Commander, or higher authority.
- C. Personnel assigned to the Metro Dispatch Center shall constantly attempt to ensure that the noise level inside the center is held to a minimum.



Gallup Police Department  
\* Rules and Procedures \*

Effective Date: April 2, 2007

**309.08 CITIZEN BAND RADIO USE**

- A. Police Officers are authorized to use citizen band radios within the established F.C.C. Guidelines.
- B. Every user must be familiar with the Federal Commission's rules and regulations for citizen band radio use.
- C. Every Officer will conduct citizen band radio transmissions with professional demeanor.
- D. Citizens band radios will be installed in assigned vehicles in accordance with radio maintenance sections standards in reference to installations.

**309.09 PHONETIC ALPHABET**

- A. The phonetic alphabet shall be used for spelling out unusual names of persons and locations or where radio reception is poor. When spelling out a word, use only the phonetic alphabet;

A.....ADAM	N.....NORA
B.....BOY	O.....OCEAN
C.....CHARLES	P.....PAUL
D.....DAVID	Q.....QUEEN
E.....EDWARD	R.....ROBERT
F.....FRANK	S.....SAM
G.....GEORGE	T.....TOM
H.....HENRY	U.....UNION
I.....IDA	V.....VICTOR
J.....JOHN	W.....WILLIAM
K.....KING	X.....X-RAY
L.....LINCOLN	Y.....YOUNG
M.....MARY	Z.....ZEBRA

- B. The following are authorized terms and abbreviations for transmitting radio messages:
  - 1. N.C.I.C. - National Crime Information Center.
  - 2. O.M.I.- Office of the Medical Investigator.
  - 3. C.O. - Chief's Office
  - 4. P.D. - Police Department (specify city)
  - 5. D.A. - District Attorney
  - 6. F.M.O.- Fire Marshall's Office (specify jurisdiction.)
- C. Additional terms and abbreviations are permitted provided that they are readily recognizable and are of an official nature.

Effective Date: April 2, 2007

**309.10 PRIORTIZING CALLS FOR SERVICE**

A. Calls for service received in the Metro Dispatch center will be prioritized under the following criteria:

**PRIORITY 1 - IMMEDIATE DISPATCH**

1. Homicides
2. Rape
3. Robbery (Armed & Strong-Arm)
4. Assaults & Weapons
5. Burglaries in Progress
6. Larcenies in Progress
7. Shootings
8. Stabbings
9. Domestic Disputes Involving Weapons
10. Fights Involving Weapons
11. Accidents with Injuries
12. Silent Alarms
13. Any other call where human life or property may be in immediate danger.
14. "Dead Body" Calls
15. Sex Offenses
16. Missing Children, Six or Younger
17. Hazardous Material Spills
18. Disaster Calls
19. Warrant (Wanted Person) Calls (Upon Proper Verification)

**PRIORITY 2 - TWENTY (20) MINUTE MAXIMUM DELAY**

1. Accidents without Injuries
2. Audible Alarms
3. Auto Thefts
4. Assaults not involving weapons or any assault if delayed in reporting for an extended period of time.
5. Burglaries (Not in Progress)
6. Larcenies (Not in Progress)
7. Domestic Disputes (No Weapons)
8. Intoxicated/Disorderly
9. Suspicious Persons/Vehicles
10. Fight/Disturbance Not Involving Weapons
11. Prowler Calls
12. Shoplifter Calls (Offender in Custody)
13. Rescue Calls (Only if Officer needed for Crowd/Traffic control)
14. Missing Person (Foul Play Possible)
15. "Down and Out" Persons

**PRIORITY 3 - FORTY-FIVE (45) MINUTE MAXIMUM DELAY**

1. Larcenies (No Suspect or Apparent Evidence)
2. Vandalism (Minor Damage)
3. Gas Skips/Bill Skips
4. Obscene Phone Calls
5. Missing Persons (No Foul Play Feared; Includes runaways over age 12).

**Gallup Police Department**  
**\* Rules and Procedures \***

Effective Date: April 2, 2007

6. Additions or supplements to reports on file.
  7. Simple Assaults (Delayed)
  8. Reports for Insurance Purposes
  9. Civil Matters
  10. Report Calls requiring an Officer but where there has been a long delay between occurrence and report to Department.
  11. Nuisance-type call, (i.e., loud music, river shooting, motorbikes on ditch bank, etc.)
  12. Public-relation type calls (Motorist assist, etc.)
  13. Abandoned vehicles/property
- B. Calling parties reporting Priority - 2 or Priority - 3 incidents will be informed of the maximum possible delay.
- C. In the event a unit is not available, calling parties will be contacted by Communication Center personnel no later than five (5) minutes before the deadline and provide that person with a reasonable estimate as to when a unit will arrive.

**309.11      SPECIAL SITUATIONS**

- A. Non-emergency service requests originating from the Sheriff's Office will only be honored if approved by either the Commander or shift Supervisor.

Effective date: February 20, 2007

## **USE OF CELLULAR TELEPHONES WHILE OPERATING DEPARTMENT OWNED VEHICLES**

### **310.00**

#### **General Provision**

The Department recognizes the importance of communications associated with the law enforcement function. In many instances, cellular telephone communications although not private, are necessary for the effective and efficient operation of the department.

Police Officers and Supervisors are authorized to receive incoming or send outgoing communications while operating department owned motor vehicles If:

- A. The telephone is equipped with and operated in a hands free capacity, and the telephone conversation is necessary to effectively manage the affairs of the department.

Command Staff are authorized to receive incoming or send outgoing communications while operating department owned vehicles if:

- B. The telephone conversation is necessary to effectively manage the affairs of the department.

This policy in no way relieves the Police Officer, Supervisor or Command Staff from the liability imposed by accidents or incidents related to the incoming or outgoing call.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

- D. The owner or driver will be allowed to release the vehicle to a responsible person in lieu of the vehicle being towed unless the vehicle is needed as evidence or is seized pursuant to a lawful court order. The responsible party must be able to remove the vehicle within a reasonable time, show proof of a valid driver's license, and be capable of driving the vehicle safely.
  - 1. If a vehicle is released to a responsible person as mentioned above, information regarding that person must be included in the offense/incident report written concerning the incident.
- E. A copy of the tow slip will be given to the owner/driver or placed with the prisoner's property if they are arrested.
- F. A copy of the tow slip will be given to the wrecker driver.
- G. If not intoxicated or otherwise incapacitated, an owner/operator will be allowed to request a specific wrecker service of their choice. Department personnel will inform them of this right prior to the vehicle being towed.
- H. If the vehicle is being towed due to its being abandoned, unattended and/or the owner/operator is otherwise unavailable, a copy of the tow report will be left inside the passenger compartment of the vehicle. The incident number or case number will be indicated on the tow slip.
- I. If a wrecker is dispatched at the request of Department personnel solely to assist a stranded motorist, a tow slip or offense/incident report will not be necessary.
- J. Vehicles will not be towed from private property unless needed as evidence, or pursuant to a lawful court order.
- K. A stolen vehicle inquiry will be done on all towed vehicles. Complete information on the VIN and license plate should be provided to the Data Room so that an accurate check may be performed.

311.02      **ACCIDENTS**

- A. The driver/owner has been taken from the scene due to injuries or illness and the vehicle cannot be released to a qualified driver nor legally parked.
- B. The vehicle is causing a traffic obstruction and cannot be driven from the scene because of damage or it is inoperable.
- C. The driver/owner requests a wrecker.
- D. The vehicle is needed for evidence of a crime.
- E. The driver has been arrested for Driving While Intoxicated and the car cannot be released to a qualified driver.
- F. If the owner of a recovered stolen vehicle cannot be contacted.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

311.00

**TOWED VEHICLES**

Vehicles will be towed in a safe and efficient manner, in accordance with procedures established in this manual. All requests for wrecker service will be in compliance with the wrecker rotation/selection schedule maintained in the Communication Center.

**DEFINITIONS:**

Vehicles will be towed at the direction of Department personnel in the following instances:

- \* When the vehicle is needed as evidence in a criminal/traffic investigations.
- \* When the vehicle is illegally parked and presents a clear hazard to other traffic.
- \* When the driver has been incapacitated, hospitalized, arrested, and/or when the vehicle cannot be released to a responsible party.
- \* When the vehicle has been reported stolen and the owner cannot arrive to retrieve the vehicle within a reasonable time.
- \* When the vehicle is seized pursuant to a lawful court order.
- \* When the vehicle has been abandoned on public property, such as the shoulder of a highway, is being vandalized and may present a hazard to the public.
- \* When the vehicle is in violation of NMSA 66-3-126; NMSA 66-7-350.

**RULES AND PROCEDURES:**

**311.01      GENERAL PROVISIONS**

- A. A Department tow slip and an Offense/Incident report will be completed on all vehicles towed at the direction of Department personnel. The slips must be legible, and must include the name and man number of the towing Officer.
- B. A hold may be placed on the towed vehicle by the Towing Officer if the vehicle is needed in a criminal investigation, or is being held pursuant to a lawful court order. Approval from a supervisor is mandatory before a hold may be placed on a vehicle. If a hold is placed on a vehicle it must be indicated on the offense/incident report, and the name of the approving supervisor recorded as well.
- C. A complete inventory must be taken of all property left in the towed vehicle. If items are taken from the vehicle for safekeeping, they must be processed in accordance with procedures outlined under SOP section: EVIDENCE.

Effective date: September 15, 2004

- G. The vehicle requires further examination as a result of a fatal or serious injury accident.

Effective date: May 29, 2007

**312.00      ESCAPE FROM CUSTODY**

The purpose of this directive is to provide guidelines for the safe and expedient capture of escaped prisoners.

It is the policy of the Gallup Police Department to immediately respond to situations regarding escapes from custody, to include: escapes from the jail or juvenile detention facility, and escapes from law enforcement custody that occur within the city limits of Gallup. The amount of support provided in each of these situations will be based upon manpower availability, existing mutual aid agreements and plans, and the seriousness of the situation.

**312.01      ESCAPE FROM CUSTODY OF THE GALLUP POLICE DEPARTMENT**

- A. The custodial officer shall immediately notify Emergency Dispatch personnel of the following information:
  - 1. Prisoner's name, if known;
  - 2. Height, weight, and physical descriptors;
  - 3. Last known location and direction of travel;
  - 4. Charge(s) the person was under arrest for; and
  - 5. Any other pertinent information to assist in the immediate capture of the escapee.
- B. The on-duty supervisor shall be briefed immediately and, unless there is an immediate capture, he/she shall be responsible for the following:
  - 1. Request that Metro Dispatch personnel contact the McKinley County Sheriff's Department and New Mexico State Police by telephone and notify both agencies of the escape.
  - 2. Request that Dispatch follow-up the telephone calls with official teletypes containing all information provided by the officer.
  - 3. Direct and coordinate a command post and initial search operations and implementation of roadblocks, if necessary.
  - 4. The involved officer shall complete an offense/incident report or offense/incident supplemental report detailing all facts of the escape and all efforts at capture, and a copy of this report will be submitted along with the memorandum.
- C. If immediate capture does not take place, the supervisor will be responsible for making the following notifications:
  - 1. In situations involving escape of misdemeanants or juveniles who do not present a known risk to the community, the on-call Captain will make a determination as to further notifications being necessary.
  - 2. Notifications when multiple escapes and/or escapes of felons occur will be handled in the same manner as escapes/riot conditions at the Detention Facilities.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 29, 2007

- D. A general call-out of additional personnel shall be at the discretion of the Incident Commander with approval from the Office of the Chief of Police.
  - 1. Methods for call out include notification by Metro Dispatch Services, notification by assigned sworn personnel, or notification through use of the automated calling system.
  - 2. Officers will be directed to report at specific times, places, and to specific supervisor for assignment.
  - 3. All personnel are required to report and will remain on-duty until properly relieved or until authorized to secure posts/assignments.
- E. If an extended search operation is required, it will be coordinated and implemented by the supervisor.
- F. Personnel are to be clothed in a manner clearly identifying them as Law Enforcement Officers.
  - 1. Patrol Division personnel will report for duty in full uniform.
  - 2. Plainclothes personnel will report for duty wearing clothing and accessories that clearly identifies them as Law Enforcement Officers.
  - 3. All sworn personnel shall report for duty with ballistic resistant body armor, and all required equipment.
  - 4. Personnel are to operate as a unit, unless otherwise directed.

312.02            **MEDIA NOTIFICATION**

- A. The Chief of the Gallup Police Department may authorize or make direct contact with area media representatives in the interest of public safety/well being of our community, in conjunction with the designated Public Information Officer.

312.03            **ADDITIONAL NOTIFICATIONS**

- A. In the interest of public safety, the Incident Commander may direct activation of the automated dialing system to provide all residents in the affected area with a tape-recorded bulletin of the incident.
- B. The Chief of Police or his/her designee shall review all reports and memorandums to assess whether an Internal Investigation is required. The assessment may also be used for recommendations on changes in policy/procedure or revised training and in-service.

312.04            **ESCAPE FROM DETENTION FACILITY**

- A. When the Gallup Police Department is notified of an escape or riot condition at the Detention Facilities, the on-duty supervisor shall be responsible for implementing the Escape/Riot Plan. Duties and responsibilities are listed as, but not limited to:
  - 1. Establish lines of communications with the appropriate agencies and/or facilities.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 29, 2007

- a. If the escape/riot condition involves the Detention facilities, communications will be established with the Jail or Juvenile Detention Center, and the McKinley County Sheriff's Department to address responsibilities of command and line personnel.
- b. Request that Metro Dispatch make the necessary notifications and obtain verification of the situation.
  1. Normally, first notification of a possible or confirmed escape will be by telephone.
  2. In the event an alert is received, Metro Dispatch personnel are to report an immediate confirmation by Teletype.
- c. Metro Dispatch personnel will immediately notify the field supervisor of the confirmation, and he/she will be responsible for making the following notifications:
  1. During normal working hours for the Police Department Administrative Offices
    - Field Services Captain, Criminal Investigations Lieutenant, and office of the Chief of Police.
  2. Nights, weekends, and holidays
    - The on-call Captain shall then be responsible for notifying the Chief of Police.
  3. In situations involving escape of misdemeanants or juveniles from the Detention facilities, the on duty supervisor shall notify the on-call Captain, who will make a determination as to further notifications being necessary.
2. All agencies involved with the execution of the operational plan shall establish liaison with the coordinating agency.
  - a. Detention facilities
    - Point of contact is designated as the McKinley County Detention Center.
- B. A general call-out of additional personnel shall be at the discretion of the Chief of Police or his designee, based upon a request by the incident Commander.
  1. Methods for call out include notification by Emergency Dispatch Services, notification by assigned sworn personnel, or notification through use of the automated calling system.
    - a. Officers will be directed to report at specific times, places, and to specific supervisor for assignment.
    - b. All personnel are required to report and will remain on-duty until properly relieved or until authorized to secure posts/assignments.
- C. Search operations will be coordinated and implemented by the Incident Commander and the E.R.T. Commander.
  1. Personnel are to be clothed in a manner clearly identifying them as Law Enforcement Officers.
    - a. Patrol Division personnel will report for duty in full uniform.



Gallup Police Department  
\* Rules and Procedures \*

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Effective date: May 29, 2007

- b. Plainclothes personnel will report for duty wearing clothing and accessories that clearly identifies them as Law Enforcement Officers.
  - c. All sworn personnel shall report for duty with ballistic resistant body armor, and all required equipment.
2. Personnel are to operate as a unit, unless otherwise directed.

312.05      **MEDIA NOTIFICATION**

- A. Generally, the agency designated as "in charge" of the operation will be responsible for all media notifications and press releases.

312.06      **ADDITIONAL NOTIFICATIONS**

- A. In the interest of public safety, the Incident Commander may direct activation of the automated dialing system to provide all residents in the affected area with a tape recorded bulletin of the incident.

Effective date: September 15, 2004

313.00

**ARRESTS**

The Department shall arrest felony and misdemeanor violators of laws which its Police Officers are empowered to enforce and to follow correct legal procedures required in arresting, booking, and filing charges against such violators.

**RULES AND PROCEDURES:**

**313.01**      **FELONY ARREST AUTHORITY**

- A. Felony arrests may be made through the authority of a warrant or on probable cause.
- B. Probable cause felony arrests may be made for all:
  - 1. Felony narcotic offenses.
  - 2. Felonies in progress (e.g., violent crimes, burglaries, etc.).
  - 3. Violent crime offenses (e.g., aggravated battery, aggravated assault, criminal sexual penetrations, etc.).
- C. For those felony offenses that do not fall within the above listed categories, an Officer, when deciding whether to effect an arrest or to merely submit the case for indictment consideration, may make a probable cause felony arrest when probable cause clearly exists, under the following circumstances:
  - 1. When the offender has no community ties to the metropolitan area (e.g., transient, out of town resident, etc.).
  - 2. When there is some question as to the offenders true identity.
  - 3. When one or more prior felonies or multiple offenses have been committed by the offender.
  - 4. When the arrest is approved by a supervisor based on extenuating circumstances.

**313.02**      **PETTY MISDEMEANOR/MISDEMEANOR ARREST AUTHORITY**

- A. Petty Misdemeanor & Misdemeanor arrest may be made:
  - 1. By the authority of a warrant or court order.
  - 2. Based upon the Police Officers personal observation of the offense.
  - 3. As the result of petty misdemeanor traffic investigations involving accidents.
  - 4. For petty misdemeanor shoplifting offenses.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

5. At the scene of a domestic disturbance, arrest is MANDATORY when the Officer has probable cause to believe that a battery has been committed upon a family or household member.
6. For certain other offenses in which statutory law specifically permits misdemeanor arrests to be made based upon information received, rather than upon direct Officer observation.

313.03      ARRESTS/GENERAL

- A. An offense report indicating all charges and detailing the circumstances will be written by the arresting Officer for any incident or warrant service resulting in an arrest or protective custody.
- B. Arrest reports will be completed no later than the end of the arresting Police Officers shift. The report will be approved by the supervisor. Supervisors will ensure that sufficient information is contained in the arrest report to support the arrest.
- C. Arresting Police Officers will check N.C.I.C. on all persons taken into custody. In the case of a hit subsequent to an arrest on other charges, the arresting Officer will verify the hit through the N.C.I.C. operator and advise the operator that the subject is in custody.
- D. In the event an Officer is the complainant and/or victim of an incident resulting in arrest, no waiver of prosecution shall be signed without prior review and approval of the Chief of Police and the District Attorneys Office.
- E. Should an Officer have charges pending against a subject who has been transported to a medical facility, hospital personnel will be advised of that fact. Depending on the seriousness of the charges, an Officer will either stand guard or place a police hold on the patient.

313.04      ARREST OF U.S. POSTAL SERVICE DRIVERS/MILITARY/ILLEGAL  
ALIENS/ARMORED CAR DRIVERS/FOREIGN NATIONALS

- A. The drivers of mail-carrying vehicles and armored cars shall not be taken into custody, except when they are charged with a felony or D.W.I., or when their mental or physical state is such that they are a hazard to the public. Upon taking such a driver into custody, the arresting Officer shall immediately have the local United States Postal Service office/armored car company notified. Pending arrival of a postal representative/armored car company supervisor, the arresting Officer shall be responsible for the safety and security of the postal/armored car and its contents.
- B. Whenever active duty military personnel are arrested and placed into custody for any offense, excluding minor traffic charges, the arresting Officer shall notify the Kirtland Air Force Base Police.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: June 23, 2010

- C. Enforcement of immigration laws and arrest of illegal aliens resides exclusively with the U.S. Immigration Service. Police Officers shall not stop and question, detain, arrest, or place an "Immigration Hold" on any persons not suspected of crimes, solely on the grounds that they may be deportable aliens. When arrest is necessary for a non-immigration criminal violation, Police Officers shall notify the Immigration and Naturalization Service immediately, if it is suspected that the person may be an undocumented alien, so that they may respond appropriately.

**313.05      ARREST AND/OR DETENTION OF FOREIGN NATIONALS**

Police Officers shall follow prescribed procedures when dealing with the arrest and/or detention of Foreign Nationals.

**DEFINITIONS**

Foreign Nationals - Any person who has a legal standing as a citizen of any country other than the United States.

United States Immigration Service - The Federal Agency charged with the responsibility of enforcing Federal Laws pertaining to the admittance or regulation of persons who are in the United States, but who are not citizens of the United States.

The Albuquerque Office of the Immigration and Naturalization Service can be contacted at 247-4177 or 247-2147.

Immigration Hold - The restriction of an individuals free movement through detention or incarceration strictly for the purposes of relaying the individual to the United States Immigration Service for incarceration or deportation.

Non-Immigration Criminal Violation - Any act that constitutes a felony, or misdemeanor crimes of domestic violence, drug offense, or sex offenses for which an individual may be legally subjected to prosecution.

Foreign Consulate - The individual or office which provides contact with or representation of the nation or government with which a Foreign National has legal citizenship.

Mexican Consulate - The local office representing the Mexican Government in all matters dealing with the detention or incarceration of their citizens.

The Mexican Consulate in Albuquerque is located at 400 Gold Avenue SW, Suite 100. They can be reached at either 247-4177 or 247-2147.

Dallas District Office - The office established for contact with information pertaining to the arrest or detention of all foreign nationals who are not of Mexican citizenship.

The Dallas District Office can be contacted at 505-827-0350, or they can be faxed at 505-827-0263.



Effective Date: April 24, 2007

**RULES AND PROCEDURES**

**313.06      DETENTION**

- A. Police Officers shall not stop and question, detain, arrest or place an "immigration hold" on any persons not suspected of crimes, solely on the grounds that they may be deportable immigrants. When arrest is necessary for the violation of State Law or City Ordinance, Police Officers shall notify their Field Supervisor immediately if it is suspected that the person may be an undocumented immigrant. At that time, the Supervisor will begin the notification process as is outlined in the Arrest section below.

**313.07      ARREST**

- A. When a foreign national is arrested or detained in the United States there are legal requirements to ensure that the foreign national's government can offer him/her appropriate consular assistance. In most all cases, the foreign national must be told of the right of consular notification and access. In Most cases, the foreign national then has the option to decide whether to have consular representatives' notified of the arrest or detention. In other cases, however, the foreign national's consular officials must be notified of an arrest and/or detention regardless of the foreign national's wishes. Whenever a foreign national is taken into custody, the detaining Official should determine whether consular notification is at the option of the foreign national or whether it is mandatory.
- B. The arresting Officer will notify his/her supervisor that a Foreign National has been arrested.
- C. That supervisor will notify the Foreign National's consulate that the subject has been arrested.
- D. When the arrested person is of Mexican citizenship, the supervisor will contact the Mexican Consulate. If the arrested person is of any other citizenship, the Dallas District Office will be notified. Contact information for both of these offices can be found in the Definitions section of this document.
- E. The supervisor will contact the appropriate consulate and advise them of the arrested individual's identification information, the charges being brought against the individual and of the individuals' location of incarceration.

**313.08      NOTIFICATION AT THE FOREIGN NATIONAL'S OPTION**

- A. In all cases, the foreign national must be told of the right of consular notification and access. The foreign national then has the option to decide whether he/she wants consular representatives notified of the arrest or detention, unless the foreign national is from a "mandatory notification" country.



Effective Date: April 24, 2007

**313.09 MANDATORY NOTIFICATION**

- A. In some cases, "mandatory notification" must be made to the nearest consulate or embassy "without delay", "immediately", or within the time specified in a bilateral agreement between the United States and a foreign national's country, regardless of whether the foreign national requests such notification. The foreign national should be informed that notification has been made and advised that he/she may also specifically request consular assistance from his or her consular officials.
- B. Mandatory notification requirements arise from different bilateral agreements whose terms are not identical.

**313.10 SUGGESTED STATEMENTS TO ARRESTED OR DETAINED FOREIGN NATIONALS**

- A. When Consular Notification is at the foreign national's option:
  - 1. As a non-U.S citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal council, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular official's, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?
- B. When Consular Notification is Mandatory
  - 1. Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you, You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible.

**313.11 CONSULAR ACCESS TO DETAINED FOREIGN NATIONALS**

- A. Detained foreign nationals are entitled to communicate with their consular officers. Any communication by a foreign national to his/her consular representative must be forwarded by the appropriate local officials to the consular post without delay.
- B. Foreign consular officers must be given access to their nationals and permitted to communicate with them. Such officers have the right to visit their nationals, to converse and correspond with them, and to arrange for their legal representation. They must refrain from acting on behalf of a foreign national, however, if the national opposes their involvement. In addition, consular officers may not act as attorneys for their nationals.

Effective Date: April 24, 2007

- C. The rights of consular access and communication generally must be exercised subject to local laws and regulations. For example, consular officers may be required to visit during established visiting hours. Federal, state, and local rules of this nature may not, however, be so restrictive as to defeat the purpose of consular access and communication. Such rules "must enable full effect to be given to the purposes" for which the right of consular assistance has been established.

NOTE: The above requirements are set out in Article 36 of the VCCR.

**313.12 DEATHS OF FOREIGN NATIONALS**

- A. If federal, state, or local government officials become aware of the death of a foreign national in the United States, they must ensure that the nearest consulate of that national's country is notified of the death. This will permit the foreign government to make an official record of the death for its own legal purposes. For example, such notice will help ensure that passports and other legal documentation issued by that country are canceled and not reissued to fraudulent claimants. In addition, it may help ensure that the foreign national's family and legal heirs, if any, in the foreign country are aware of the death and that the death is known for estate purposes in the foreign national's country.

NOTE: The above requirements are set out in Article 36 of the VCCR.

**313.13 APPOINTMENTS OF GUARDIANS OR TRUSTEES FOR FOREIGN NATIONALS**

- A. Whenever a probate court or other legally competent authority considers appointing a guardian or trustee with respect to a foreign national who is a minor or adult lacking full capacity, the nearest consular authorities for that national's country must be informed without delay. The legal procedures for appointment of a guardian or trustee can proceed, but-if possible without prejudice to the appointment process-the consular authorities should be permitted to express any interest their government might have on the issue.

NOTE: The above requirements are set out in Article 37 of the VCCR.

**313.14 MANDATORY NOTIFICATION COUNTRIES AND JURISDICTIONS;**

Antigua and Barbuda  
Malta  
Armenia  
Mauritius  
Azerbaijan  
Moldova  
Bahamas  
Mongolia  
Barbados  
Nigeria  
Belarus  
Philippines  
Belize  
Poland (non-permanent residents only)  
Brunei  
Romania  
Bulgaria  
Russia  
China  
Saint Kitts and Nevis  
Costa Rica  
Saint Lucia  
Cyprus  
Saint Vincent and the Grenadines  
Czech Republic  
Seychelles  
Dominica  
Sierra Leone  
Fiji  
Singapore

Effective Date: April 24, 2007

Gambia Slovakia  
Georgia Tajikistan  
Ghana Tanzania  
Grenada Tonga  
Guyana Trinidad and Tobago  
Hong Kong 2 Turkmenistan  
Hungary Tuvalu  
Jamaica Ukraine  
Kazakhstan United Kingdom<sup>3</sup>  
Kiribati U.S.S.R.<sup>4</sup>  
Kuwait Uzbekistan  
Kyrgyzstan Zambia  
Malaysia Zimbabwe

- Notification is mandatory for persons carrying "Republic of China" passports issued by Taiwan.
- Hong Kong is now the Special Administrative Region (SAR) notification must be made to Chinese officials in the same manner as Chinese passports.
- British dependencies also covered are Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. These persons carry British passports.
- Although the U.S.S.R. is no longer in existence, some of the nationalist successors may still be traveling on these passports. Notification should be made to the Successor State.

### 313.15      **DIPLOMATIC IMMUNITY**

- A. Under the guidelines of the United States Department of State, Foreign Diplomats have immunity concerning City Ordinances and State and Federal Laws. Foreign Diplomats will be dealt with on an individual basis. They shall not be placed under arrest and it will be the Officer's responsibility to contact their supervisor, and inform them of any violations committed by Diplomats.
- B. It will be the responsibility of the Field Supervisor to contact the Diplomat's respective Foreign Consulate and the McKinley County District Attorney's Office for further guidance.
- C. When a police officer is confronted with a person claiming immunity, official Department of State identification should be immediately requested in order to verify the person's status and immunity.
- D. Should the individual be unable to produce satisfactory identification, and the situation would normally warrant arrest or detention, the officer should inform the individual that he will be detained until proper identity can be confirmed.



Effective Date: April 24, 2007

**313.16      CONFISCATION OF IDENTIFICATION**

- A. Current law provides that only Federal Agents are authorized to confiscate a Foreign Nationals identification documents (i.e. residence cards, work permits, etc.). Unauthorized confiscation of these documents, even if they are suspected forgeries, is a violation of Department Policy and may result in charged violations of the law. Police Officers encountering Foreign Nationals with suspicious documentation are directed to report the incident as soon as possible to the Immigration and Naturalization Service at the numbers listed in the Definitions section of this document. Once contact is made with the Immigration and Naturalization Service, they will be provided with complete information pertaining to the content and nature of the suspicious document and the identification and location of the Foreign National.

**313.17      REPORTS**

- A. The arresting Officer shall submit an official report detailing the arrest of the Foreign National and identifying the nation in which the Foreign National has citizenship by the end of that Officer's shift.
- B. A copy of that report shall be forwarded to the McKinley County District Attorney's Office by the end of that Officer's shift.

**313.18      ARREST WARRANTS**

- A. Arrests stemming from grand jury indictments will be made only after a resulting bench warrant is received by this Department. Knowledge that a "true bill" has been returned by the grand jury DOES NOT constitute grounds for a valid arrest.
- B. No person shall be arrested on the basis of an N.C.I.C. printout, unless a minimum of two positive identifiers are present.
- C. Means of identification for this section shall include:
1. Name: to include first, middle name/initial and last name.
  2. Date of birth: month, date and year (must be identical).
  3. Social Security Number: all numbers must be identical and in proper sequence.
  4. Address: including digits and street name (Addresses should be considered the weakest of all identifiers and extreme caution should be taken before relying on this means for positive identification)
- D. In the event the printout indicates the charges pending involve crimes of violence, it is permissible to detain the individual until positive identification can be made.
- E. Under no circumstances will a person be booked on a warrant into the Detention Center until positive identification of the subject is made.

Gallup Police Department  
\* Rules and Procedures \*

Effective Date: April 24, 2007

- F. If there is any doubt as to the subject in custody being the same person named on the printout or warrant, the subject should be released after information has been gathered concerning the subject's current address, place of employment, etc.
- G. It is the arresting Police Officers responsibility to verify the validity of the information received by printout. The arrest and subsequent action is the sole responsibility of the Officer.

313.19      **BOOKING ON THE BASIS OF A WARRANT ISSUED FROM CITY OF GALLUP/MCKLINLEY COUNTY**

- A. Upon confirming the existence of a valid warrant through N.C.I.C., Police Officers will notify the Metro Dispatch center that an arrest has been made.

313.20      **BOOKING ON THE BASIS OF A WARRANT ISSUED OUTSIDE THE JURISDITITION OF CITY OF GALLUP/MCKINLEY COUNTY**

- A. The arresting Officer will cause a Teletype to be sent to the jurisdiction holding the warrant, advising that the suspect is in custody and requesting a return Teletype as soon as possible containing the name of the judge who issued the warrant, charges, bond, warrant number, and if the agency will extradite. A telephone call to verify the warrant is not sufficient.
- B. The suspect will be booked into the detention center.
- C. A copy of the N.C.I.C. readout and/or Teletype will be furnished to booking personnel by the Officer at the time of booking.
- D. All other correspondence will be handled by the Criminal Investigations Division and the District Attorney's Office.
- E. A copy of the teletype will be placed in the Criminal Investigations Division basket in the radio room and a copy will be attached to the report.

313.21      **TELEPHONE INQUIRES/WARRANTS**

- A. A telephone call to verify a warrant is NOT sufficient.
- B. Personnel receiving a telephone call requesting information about a warrant being held by this Department will not respond to the inquiry unless they personally recognize the caller, and the caller is a bona fide sworn personnel of a law enforcement/criminal justice agency.
- C. Unknown callers claiming to represent a law enforcement/criminal justice agency will be asked for the name and telephone number of their agency. A return call will be made to that agency to verify authenticity of the caller BEFORE any information about a warrant is given.
- D. No information about a warrant will be given to anyone, other than law enforcement/criminal justice personnel, regardless of the nature of the warrant.



Effective Date: April 24, 2007

- E. Calls from news media representatives will be referred to the Public Information person.

**313.22      DETENTION FOR MENTAL HEALTH EVALUATION/PROTECTIVE CUSTODY**

- A. A Officer may detain a person for emergency mental health evaluation and care in the absence of a legally valid court order of the court only if:
  - 1. The person is otherwise subject to lawful arrest.
  - 2. There is reasonable evidence to believe that the person has just attempted suicide.
  - 3. Based upon his own observation and investigation, the Officer has reasonable evidence to believe that the person, as a result of a mental disorder, presents a serious harm to themselves or others, and that immediate detention is necessary to prevent such harm.
- B. An incident report will be submitted and observations by the Officer will be noted whenever a person is detained or placed into protective custody, regardless of whether or not the person is accepted at a mental health facility.
- C. Any physical and emotional responses of the subject will be noted.
- D. Speech should be observed for organization, character, and logical reasoning.
- E. Any noted delusions, hallucinations, disorientations; homicide or suicide attempts should be documented.

**313.23      PROTECTIVE CUSTODY/TRANSPORT**

- A. Once a person has been placed into protective custody he will be transported to a mental health facility or a medical facility for evaluation by a physician.
- B. Intoxicated individuals being taken into custody for no other reason shall be transported to the Na'nizhoozhi Center Incorporated (NCI).
- C. When transporting a person for mental health reasons, two (2) Police Officers should be utilized to transport the person.
- D. An Officer shall also make a protective search of the person prior to transporting.
- E. Once at the facility, the Officer shall comply with existing processing procedures of the facility.
- F. Transporting sworn personnel shall remain with the person transported until an evaluation has been completed, and will provide information to facility personnel on the facts that lead to the detention.

Gallup Police Department  
\* Rules and Procedures \*

Effective Date: April 24, 2007

- G. If the person has been arrested for an alleged felony, the arresting Officer shall notify personnel at the facility so appropriate security measures can be taken. If the person had been transported to a hospital for medical care and is charged with a felony, a "police hold" will not be sufficient security.
- H. Should the facility have inadequate security to prevent escape, the Officer will inform the supervisor on duty so appropriate security can be established.
- I. Should the facility advise an Officer that the person will not be accepted (Mental Health facility), the Officer will transport the person to their residence or a detention facility (Dependent upon the situation), or will arrange for alternate transportation. The on-duty supervisor will be notified if the mental health facility refuses the subject.
- J. Whether or not a mental health facility accepts a person, booking procedures will proceed. Should a person who has pending charges be accepted, the sworn personnel will provide facility personnel with contact information so appropriate action can be taken upon release.

**313.24**      **PROTECTIVE CUSTODY/E.M.S. REQUEST**

- A. When an Officer of this Department is asked by Emergency Medical Services (E.M.S.) personnel to place someone in protective custody, an investigation will be conducted to determine the need.
- B. The mental state of the proposed patient is at issue. Reasonable evidence must exist that the proposed patient's mental state is impaired to the point that they may present a life threatening danger to themselves if medical treatment is not received.
- C. An incident report will be submitted and observations by the Officer noted whenever a request to place a person into protective custody is made, regardless of whether or not the request is granted.
- D. Any physical and emotional responses of the subject will be noted.
  - 1. Speech should be observed for organization, character, and logical reasoning.
  - 2. Any noted delusions, hallucinations, disorientations; homicide or suicide attempts should be documented.
  - 3. If advice is given to the sworn personnel by an emergency room doctor, the name of the doctor will be listed and the advice given will be noted. The emergency room doctor's advice should be strongly considered when making a decision.
- E. The following questions will also be asked by the investigating sworn personnel to the proposed patient, and the answers given shall also be documented in the Offense/Incident Report.
  - 1. Do you understand English?
  - 2. What is your name?

Effective Date: April 24, 2007

3. Where do you live?
  4. How old are you?
  5. What day is this?
  6. Where are you?
  7. What time is it?
  8. What is the last school grade you completed?
  9. Have you been drinking?
  10. Have you been given and/or have you taken any drugs?
  11. When was the last time you ate?
  12. When was the last time you slept?
  13. Do you understand that your present condition is believed to be life threatening? (If needed, explain the situation to the proposed patient)
  14. Do you understand what I have told you, and that you are in need of evaluation, treatment and/or transportation to a hospital?
  15. Why are you refusing treatment?
- F. If, after questioning, the proposed patient appears to understand and is able to give an intelligent refusal, the Officer shall question the need to place the subject in protective custody and will consult with a supervisor.
- G. Should the Officer establish reasonable evidence that the patient's mental state has been impaired and presents a danger to himself, the patient will be placed into protective custody.
- H. The patient will be advised that he has been placed in protective custody. The physical control of the patient shall be relinquished to E.M.S. personnel, on scene, for transportation to hospital for further treatment.
- I. E.M.S. personnel will usually be in contact with a doctor located at a hospital. Once a decision has been made to place the patient in protective custody, E.M.S. guidelines require the patient be transported to the hospital where the doctor is located.
1. If an Officer has to make a decision as to which hospital the patient is to be transported to, he should attempt to determine if the patient has hospitalization insurance, and if so, the patient should be transported to a medical facility covered by that policy.



Gallup Police Department  
\* Rules and Procedures \*

Effective Date: April 24, 2007

2. Should the Officer be unable to establish health care information or it is medically necessary for the patient to be taken to a hospital not covered under the health plan; the Officer shall consult E.M.S. personnel as to a hospital suited to meet the needs of the patient.
3. An Officer will accompany transporting E.M.S. personnel to the hospital should the patient be potentially violent. An Officer shall provide protection for E.M.S. personnel during transport, if necessary.
4. Sworn personnel will accompany any child (minor) placed in protective custody for medical treatment to the hospital under all circumstances. Hospital personnel may require an Officer to sign medical release forms if a parent or responsible guardian cannot be located to authorize medical treatment. If this is required, consult with a supervisor.
5. An Officer shall investigate to determine whether child abuse or neglect has occurred. Should an Officer have probable cause to believe that a crime has been committed, action shall be taken addressing the situation.

**313.25 INTOXICATED PERSONS/PROTECTIVE CUSTODY**

- A. When an intoxicated person has been placed in protective custody, a Officer will transport the subject to one of the following locations:
  1. The person's residence, if it appears to the Officer that the intoxicated person will be orderly and able to care for his own safety.
  2. To a health care facility when there is reasonable evidence that the intoxicated person is unable to care for his own safety or is in need of medical attention.
  3. To the Nazhoni Center Incorporated (NCI) when there is reasonable evidence that the intoxicated person:
    - a. Has no residence in the metropolitan area.
    - b. Is unable to care for his own safety.
    - c. Constitutes a danger to others if not transported to a detention facility.
- B. An Officer shall make a protective search, of the subject prior to transporting for his protection.
- C. Should an Officer decide to take an intoxicated person to a detention center, the Officer will comply with existing booking procedures for intoxicated persons.
- D. If an Officer should encounter an intoxicated minor, he shall:

Gallup Police Department  
\* Rules and Procedures \*

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Effective Date: April 24, 2007

1. If a parent or guardian cannot be located or the minor is too intoxicated to give information, the minor will be placed in protective custody and taken to a facility capable of caring for the minor until a parent or guardian can be located.
2. An Officer shall investigate to determine whether child abuse or neglect has occurred. Should an Officer have probable cause to believe that a crime has been committed, appropriate action shall be taken to address the situation.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

314.00

**USE OF FORCE**

Police Officers shall use only that force which is reasonably necessary to protect the sanctity of human life, preserve and protect individual liberties, and to effect lawful objectives. All Police Officers will act in good faith in the exercise of force. The Police Officers' options can range from a continuum of verbal persuasion to deadly force.

In vesting Police Officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

**DEFINITIONS:**

**DEADLY FORCE**

Any use of force that is likely to cause death or serious physical injury.

**NON-DEADLY FORCE**

Any use of force other than that which is considered deadly force.

**SERIOUS PHYSICAL INJURY**

A bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

**REQUIRED ACTION**

Any offensive or non-passive defensive action by an Officer or some intentional action under his /her immediate control.

**REQUIRED ACTION INJURY**

Any injury to a suspect that results from offensive or non passive defensive action by an Officer, or some intentional action under his /her immediate control.

**LESS THAN LETHAL FORCE**

Force that is intended to cause or which is likely to cause bodily harm and in certain circumstances may result in death or great bodily injury.

**LESS THAN LETHAL MUNITIONS**

Munitions, including bean bag rounds, rubber pellet rounds, foam projectile rounds, and wooden baton rounds, which are designed to incapacitate hostile individuals without causing death or great bodily harm. Although designed to incapacitate without causing death or great bodily injury, there always exists that possibility even when properly deployed.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: January 8, 2007

**BODILY HARM**

Any physical injury which causes pain or illness.

**RULES AND PROCEDURES:**

**314.01      NON DEADLY FORCE/USE**

- A. Where force is warranted, Police Officers should assess the incident in order to determine which technique or tool will reasonably de-escalate the incident and bring it under control safely.
- B. Every Officer is responsible for weighing all other reasonable means of apprehension or control before resorting to a use of force.
- C. Police Officers shall use only that force which is reasonable and necessary to overcome resistance, to protect oneself or another, and to effect lawful objectives.
- D. When a confrontation escalates suddenly, Police Officers may use any means or device at hand for self-defense provided that the use of force is reasonable, given the existing circumstances.
- E. Police Officers are permitted to use those defensive tactics and non deadly tools with which they are trained, qualified, and certified with, as determined by training procedures, for the resolution of incidents when force becomes necessary.
- F. Every Officer is expected to consider the use of Department approved options, ranging from verbal techniques, hand control procedures, and non-lethal equipment. The following non deadly force tools are authorized to be issued :
  - 1. Expandable Baton
  - 2. Chemical Agents
  - 3. Handcuffs
  - 4. Less than lethal munitions
  - 5. Pepper-ball System
  - 6. Electronic Restraint Device
  - 7. Bean Bag Rounds



Effective date: January 8, 2007

### **314.01 (A) USE OF TASER**

The taser is a less than lethal weapon and is not intended to replace the firearm in deadly force situations.

The decision to use the taser is the same as the decision to use OC spray or a baton; it depends on the actions and the critical distance of the threat.

The taser may be used to control a dangerous or violent subject when deadly physical force does not appear to be justified and/or necessary, or attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation at hand; or there is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.

#### **DEFINITION**

TASER – A defensive weapon approved by the department that transmits electrical impulses to override the central nervous system and control the skeletal muscles.

The following provisions are established:

- a. Taser shall be issued to and used only by officers who have completed the department's taser training program.
- b. Only properly functioning and charged tasers shall be used.
- c. The X-26 taser will be the only taser allowed for use by the Gallup Police Department.
- d. Decision to deploy the taser will be made by the certified taser operator or instructor.
- e. Laser sight from the taser shall never be aimed at the suspect's face or head area.
- f. The deployment of the taser will be considered in the force continuum the same as chemical agents or aerosol projectors.
- g. No changes, alterations, modifications or substitutions shall be made to the taser.
- h. Any tasers that are unsafe or not functioning properly shall be given to the department's lead taser instructor.
- i. In cases where a subject is struck with a probe in the face or groin area the Gallup Fire Department's rescue unit and/or a Med-Star unit must respond to the scene to treat the injury.
- j. Only officers certified to use tasers are authorized to remove the probes and must follow guidelines.
- k. Photographs will be taken of the location where the taser probes struck the body. Officers taking photographs must do so out of public view if the probes strike private areas of the subject's body.
- l. The air cartridges and probes used shall be tagged into evidence. Since the probes will probably have blood on them (biohazard) the officers should wear latex gloves when handling. The wires shall be wound around the cartridge. The probes shall be inverted into the portals which they were fired from (this will prevent sharp ends from penetrating the evidence envelope). Tape should be placed over the portals to secure the probes in the cartridge. Place into evidence envelope.

Effective date: January 8, 2007

AFID (Anti-Felon Identification): every time an air cartridge is fired, it disperses 20-30 identification tags called AFIDs. These tags are printed with the serial number of the cartridge and can be used to determine who fired the cartridge. At least two AFID's will be placed inside the evidence envelope with the air cartridge. The number from the AFID's shall be logged on the offense report.

- m. To be certified in the use of the X-26 taser, it is required that officers take a five second "hit" during the training and a one second contact "drive stun".
- n. Re-certification for end-users shall occur annually and once an officer has completed an exposure to a contact "drive stun" and a "hit" they will no longer be required to experience contact with the taser during their employment with the Gallup Police Department. Re-certification for instructors shall occur every two-years.

## DEPLOYMENT PROCEDURES

- 1. Only properly functioning and charged X26 tasers shall be carried for use.
- 2. Each discharge, including accidental discharges, of the X26 taser shall be investigated and documented utilizing the Gallup Police Department's offense report.
- 3. The X26 taser is programmed to give a 5-second "electrical current". The operator can shorten or extend the time. The probes should not be touched during this time period, as you would also receive the same "electrical current". In addition, officers should avoid stepping on or tripping over the wires.
- 4. **NEVER** aim the X26 taser at the eyes or the face. It is laser sighted – the top probe will follow the front and rear sights and the laser sight; the bottom probe (due to the 8-degree drop) is that it drops 1 foot for every seven feet of travel. The X26 taser has a range of 21 feet. Optimum distance for deployment is 7-15 feet.
- 5. Keep hands away from the front of the unit at all times unless the safety slide is forward and the X26 taser is deactivated. \*\*Handle the X26 taser like you would a loaded handgun.
- 6. Always replace air cartridges by their expiration date and use for training only.
- 7. **DO NOT** fire the X26 taser near flammable liquids or fumes. The X26 taser can ignite gasoline or other flammables. Some self-defense sprays are flammable (Freeze +p has been shown to be flammable) and would be extremely dangerous to use in conjunction with the X26 taser. Do not deploy in highly flammable environments such as meth labs, etc.
- 8. Prior to the use of the X26 taser, if practical, yell "taser" indicating the use of the X26 taser is imminent to prevent unintentional shootings.
- 9. The taser can function in stun mode after the probes have been fired as a backup weapon. Drive weapon aggressively into nerve or motor points for best effectiveness: **Drive Stun**. If only the stun mode is used, the taser becomes a pain compliance technique with limited threat reduction. The taser will always fire a live cartridge when activated if an unfired cartridge is present. To use the drive stun without firing probes, remove live cartridge.



Effective date: January 8, 2007

## **TACTICAL CONSIDERATIONS & LIMITATIONS**

DO NOT USE IN ANY OF THE FOLLOWING SITUATIONS:

- A. Any known or obviously pregnant female.
- B. Any subject who is saturated with or in the presence of highly flammable or combustible materials and liquids.
- C. Any subject who may receive a secondary injury resulting from a fall from its use, i.e. standing on a roof ledge or high elevation.
- D. Avoid the facial area of the head, neck, groin and female breast, if possible.
- E. Any person that is shackled and handcuffed, unless there is an immediate threat to the officer, suspect or bystander.
- F. Should not be used as a tool of coercion or punishment.
- G. Excessive use of the X26 taser in subduing a subject is forbidden.

## **GUIDELINES FOR POLICE OFFICER REMOVAL OF TASER PROBES FROM SUBJECT**

### **Supplies:**

Gloves, Antiseptic wipes, Band-Aids, Spent Cartridge, Biohazard Sticker

### **Subject Safety:**

DO NOT attempt removal if subject is combative

DO NOT attempt removal if location of the probe is

Face

Neck

Ear

Breast

Groin

Deeply imbedded

Eye (**Only Emergency room staff may remove probes in these areas**)

Probes that are superficially in the skin may be removed by an officer who is trained to do so and under the supervision of another officer.

### **Procedure:**

1. Officer dons gloves
2. Places spent taser cartridge on the ground or other flat surface with holes up
3. Firmly grasp the probe and with one pull remove probe from subject and place probe point down in the spent cartridge DO NOT HOLD CARTRIDGE WHILE PLACING USED PROBE INTO CARTRIDGE, INSTEAD KEEP IT ON THE GROUND OR OTHER FLAT SURFACE



Gallup Police Department  
\* Rules and Regulations \*

Effective date: January 8, 2007

4. With antiseptic wipe, clean the skin in circular motion moving from puncture wound out - dirty skin will need more than one cleaning - use new antiseptic wipe for each cleaning
5. DO NOT GO BACK AND FORTH ACROSS THE PUNCTURE WOUND, START IN CENTER AND MOVE OUTWARD IN A CIRCULAR MOTION (this is to prevent infection of the puncture site)
6. After air drying apply clean dry Band-Aid
7. If needed, follow same procedure for removal of second taser probe
8. Each fired probe shall be treated as a biohazard whether it is in the skin or not at the time of post-deployment evaluation
9. Secure holes of spent taser cartridge with tape and apply biohazard label
10. Handle, store and dispose of cartridge in the same manner as biohazard waste
11. Assess subject for any injury or condition that may need medical attention and seek appropriate level of service for the subject
12. Provide taser Aftercare Instruction Sheet to the subject or subject's responsible party if released from custody and to admitting jail if subject is incarcerated
13. Remove gloves and clean hands with waterless hand sanitizer

*This policy has been reviewed and approved as signed and dated below.*

  
\_\_\_\_\_  
Chief S. Stanley

  
\_\_\_\_\_  
Date

1-8-06 07

Gallup Police Department  
\* Rules and Regulations \*

Effective date: January 8, 2007

**314.02      USE OF ELECTRONIC RESTRAINT DEVICE**

- A. In order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely, Police Officers should assess the situations where force is warranted. Police Officers shall use only that force which is reasonably necessary to effect lawful objectives.
- B. Police Officers will only use the less than lethal force Electronic Restraint Device (ERD) after receiving training and certification in its proper use, and according to departmental and manufacturer training guidelines.
- C. When feasible, every effort will be made by Police Officers deploying the Electronic Restraint Device (ERD), to inform other involved Police Officers that a less than lethal weapon is being deployed.
- D. The use of a less than lethal Electronic Restraint Device (ERD) is authorized:
  - 1. At the discretion of the Officer where the continued actions of a suspect places the suspect, citizens, or Police Officers at risk of injury and where physical contact of the subject would increase the likelihood of injury to the suspect, citizens, or Police Officers.
  - 2. In riot or crowd control to control and arrest principle suspects under direct authority of the squad leader or supervisor on the scene.
- E. Whenever possible, a warning shall be given to the suspect prior to deployment of the ERD unless such a warning would increase the risk of greater injury to Police Officers, citizens or the suspect.
- F. Extreme caution should be used upon deployment of the ERD in areas where there is a potential for fire hazard such as flammable vapors, gases, or electronic spark hazard.
- G. The Officer will follow the guidelines as established in the Gallup Police Departments Use of Taser policy and procedure and departmental training.

**314.03      DEADLY FORCE/USE**

- A. The authorized tools that are available to an Officer are intended to be used as defensive instruments to prevent an assailant from completing a potentially deadly act.
- B. A firearm is discharged with the primary intent to stop or incapacitate. To ensure maximum stopping effectiveness and minimal danger to innocent bystanders and non-participants, the Officer should shoot at "center body mass" when discharging a firearm.
- C. In the performance of duty, Police Officers are authorized to use deadly force, by any means, in order to:
  - 1. Protect the Officer or others from what is reasonably believed to be an immediate threat of death or serious physical injury.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: January 8, 2007

2. Prevent the escape of, or to effect the apprehension of a fleeing felon where there is a reasonable belief the suspect poses a significant threat of death or serious injury to human life should escape occur.
- D. To provide guidelines for an appropriate interpretation of a fleeing felon who would pose a significant threat of death or serious injury, the following is provided:
  1. Suspect is armed and dangerous
  2. The suspect was armed and dangerous during the commission of a previously committed felony or the felony resulted in death or serious injury.
- E. Where feasible, some warning should be given prior to engaging in the use of deadly force.
- F. If a Officer is the victim of an assault which might cause death or serious injury, he is not required to retreat, but may stand his ground and defend himself even to the point that deadly force is required, if the use of force would prevent death or serious injury. The rule of self-defense is applicable, regardless of the age or sex of the assailant.
- G. Officers shall not surrender their firearms except as a last resort and only after using every tactical tool at their disposal.
- H. Police Officers may utilize deadly force to safely destroy an animal that represents a threat to public safety, as a humanitarian measure where the animal is seriously injured and other alternatives have been exhausted, or when requested by animal control.
- I. Police Officers will not intentionally place themselves in the path of a fleeing vehicle and then in self-defense, fire upon the vehicle or its occupants.
- J. Police Officers will not discharge a firearm at or from a moving vehicle.
- K. Warning shots are prohibited; unless doing so would save the Officer or another from death or serious injury.

314.04      USE OF LESS THAN LETHAL MUNITIONS

- A. In order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely, Police Officers should assess the situations where force is warranted. Police Officers shall use only that force which is reasonably necessary to effect lawful objectives.
- B. Police Officers will only use less than lethal force munitions after receiving training and certification in their proper use, and according to Departmental training guidelines.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: January 8, 2007

- C. Every effort will be made by Police Officers deploying the munitions to inform other involved Police Officers that a less than lethal munition is being used. The use of less than lethal munitions is authorized when a suspect is placing Police Officers or citizens in imminent threat of death or great bodily harm. The exception to this would be a suicidal subject who is threatening to harm himself and the risk of injury or the severity of injury from a less than lethal response would be less than if the subject was allowed to harm himself.

**314.05 FIREARMS SAFETY**

Firearms will be carried in a safe and secure manner. Horseplay as well as flippant and careless behavior, is prohibited.

- A. An Officer may draw a firearm from a retaining device, with no intent to use it, when necessary to control a high risk situation, or take a felon into custody.

**314.06 REPORTING USES OF FORCE**

- A. In instances where Police Officers actions result in death or serious injury, the reporting and investigation process will followed those outlined in the Violent Crimes Investigation section of this manual.
- B. In all other instances where Police Officers actions result in an injury, Police Officers shall document the injury or alleged injury in the report of the incident.
1. The Offense/Incident report will include a detailed description of the events leading to the necessity for the use of required action, the amount and type of action used the nature and extent of injuries and treatment rendered to Police Officers and subjects, the identity of combatants, Police Officers involved, witnesses and medical personnel involved, and any additional pertinent information.
2. If an Officer is unable to write the report, the on-duty supervisor will ensure the necessary report is properly prepared and forwarded.
- C. In all instances where deadly force is used or the discharge of a firearm occurs (other than in training or for recreational purposes) Police Officers shall immediately notify their supervisor or the next available supervisor.
- D. When Metro Dispatch is notified of the use of deadly force or the discharge of a firearm in any situation, they shall contact the immediate supervisor in charge. When serious injury or death has resulted from the incident Metro Dispatch will follow the procedures outlined in the Deadly Force investigations section of this manual.
- E. Any personnel receiving information that other personnel have used or been involved in the use of force of any type, except during training, shall immediately notify Metro Dispatch.
- F. In all instances where an Electronic Restraint Device is deployed, (other than during training or for daily test deployment), Police Officers shall:

Gallup Police Department  
\* Rules and Regulations \*

Effective date: January 8, 2007

1. Immediately notify their supervisor or the next available supervisor in their chain of command.
2. Complete an Offense and Incident report detailing the date, time, location, and events surround the deployment of the ERD.
3. Complete an ERD Deployment Form.
4. Turn in a copy of the Initial Offense and Incident Report and ERD Deployment Form to the Bureau Commander within five working days.

**314.07 SUPERVISORY RESPONSIBILITIES**

- A. In all instances where deadly force is used the supervisor will immediately notify the Chief of Police, The Deputy Chief of Police, and the effected Bureau Commander.
- B. Supervisors will ensure that a written report is submitted in all instances where force is used, or a firearm is discharged. This report is to be submitted to the office of the Chief of Police by the end of the supervisors shift. In the event that the use of force results in death the supervisor will follow the procedures outlined in the Deadly Force investigations section of this manual.
- C. When a supervisor feels that a case may require disciplinary action they shall forward a complete written report, including conclusions and recommendations, through the Chain of Command, to the Chief of Police by the end of the supervisors shift.
- D. All requests for time extensions for reporting shall be made to the Chief of Police through the Chain of Command. Requests for extension may be approved or denied at the Chief's discretion.

**314.08 DEPARTMENTAL RESPONSE**

- A. The Department shall conduct both a criminal and an administrative investigation of a deadly force incident.
- B. Personnel whose use of force results in the death of another shall automatically be place on paid administrative leave pending investigation. This leave time is not to be less than three (3) working days.
- C. All reported uses of force shall be reviewed by the Officer's supervisor and forwarded to The Bureau Commander. The Bureau Commander shall review the Use of Force and determine if the incident needs to be referred to the Internal Affairs Unit for investigation to determine whether:
  1. Departmental policies, rules, or procedures were violated.
  2. The relevant policy was clearly understandable and effective to cover the situation.
  3. Department training standards were effective and current.
- D. All findings of policy violations or training inadequacies shall be reported to the Chief of Police for resolution and/or discipline.



## **GALLUP POLICE DEPARTMENT'S POLICY & PROCEDURE**

### **USE OF TASER**

The taser is a less than lethal weapon and is not intended to replace the firearm in deadly force situations.

The decision to use the taser is the same as the decision to use OC spray or a baton; it depends on the actions and the critical distance of the threat.

The taser may be used to control a dangerous or violent subject when deadly physical force does not appear to be justified and/or necessary, or attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation at hand; or there is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.

### **DEFINITION**

TASER – A defensive weapon approved by the department that transmits electrical impulses to override the central nervous system and control the skeletal muscles.

The following provisions are established:

- a. Taser shall be issued to and used only by officers who have completed the department's taser training program.
- b. Only properly functioning and charged tasers shall be used.
- c. The X-26 Taser will be the only taser allowed for use by the Gallup Police Department.
- d. Decision to deploy the taser will be made by the certified taser operator or instructor.
- e. Laser sight from the taser shall never be aimed at the suspect's face or head area.
- f. The deployment of the taser will be considered in the force continuum the same as chemical agents or aerosol projectors.
- g. No changes, alterations, modifications or substitutions shall be made to the taser.
- h. Any tasers that are unsafe or not functioning properly shall be given to the department's lead taser instructor.
- i. In cases where a subject is struck with a probe in the face or groin area the Gallup Fire Department's rescue unit and/or a Med-Star unit must respond to the scene to treat the injury.
- j. Only officers certified to use tasers are authorized to remove the probes and must follow guidelines.
- k. Photographs will be taken of the location where the taser probes struck the body. Officers taking photographs must do so out of public view if the probes strike private areas of the subject's body.
- l. The air cartridges and probes used shall be tagged into evidence. Since the probes will probably have blood on them (biohazard) the officers should wear

latex gloves when handling. The wires shall be wound around the cartridge. The probes shall be inverted into the portals which they were fired from (this will prevent sharp ends from penetrating the evidence envelope). Tape should be placed over the portals to secure the probes in the cartridge. Place into evidence envelope.

AFID (Anti-Felon Identification): every time an air cartridge is fired, it disperses 20-30 identification tags called AFIDs. These tags are printed with the serial number of the cartridge and can be used to determine who fired the cartridge. At least two AFID's will be placed inside the evidence envelope with the air cartridge. The number from the AFID's shall be logged on the offense report.

- m. To be certified in the use of the X-26 Taser, it is required that officers take a "hit" during the training.
- n. Re-certification for end-users shall occur annually. Re-certification for instructors shall occur every two-year.

## DEPLOYMENT PROCEDURES

1. Only properly functioning and charged X26 Tasers shall be carried for use.
2. Each discharge, including accidental discharges, of the X26 Taser shall be investigated and documented utilizing the Gallup Police Department's offense report.
3. The X26 Taser is programmed to give a 5-second "electrical current". The operator can shorten or extend the time. The probes should not be touched during this time period, as you would also receive the same "electrical current". In addition, officers should avoid stepping on or tripping over the wires.
4. **NEVER** aim the X26 Taser at the eyes or the face. It is laser sighted – the top probe will follow the front and rear sights and the laser sight; the bottom probe (due to the 8-degree drop) is that it drops 1 foot for every seven feet of travel. The X26 Taser has a range of 21 feet. Optimum distance for deployment is 7-15 feet.
5. Keep hands away from the front of the unit at all times unless the safety slide is forward and the X26 Taser is deactivated. \*\*Handle the X26 Taser like you would a loaded handgun.
6. Always replace air cartridges by their expiration date and use for training only.
7. **DO NOT** fire the X26 Taser near flammable liquids or fumes. The X26 Taser can ignite gasoline or other flammables. Some self-defense sprays are flammable (Freeze +p has been shown to be flammable) and would be extremely dangerous to use in conjunction with the X26 Taser. Do not deploy in highly flammable environments such as meth labs, etc.
8. Prior to the use of the X26 Taser, if practical, yell "Taser" indicating the use of the X26 Taser is imminent to prevent unintentional shootings.
9. The Taser can function in stun mode after the probes have been fired as a backup weapon. Drive weapon aggressively into nerve or motor points for best effectiveness: **Drive Stun**. If only the stun mode is used, the Taser becomes a pain compliance technique with limited threat reduction. The Taser will always

fire a live cartridge when activated if an unfired cartridge is present. To use the drive stun without firing probes, remove live cartridge.

## **TACTICAL CONSIDERATIONS & LIMITATIONS**

DO NOT USE IN ANY OF THE FOLLOWING SITUATIONS:

- A. Any known or obviously pregnant female.
- B. Any subject who is saturated with or in the presence of highly flammable or combustible materials and liquids.
- C. Any subject who may receive a secondary injury resulting from a fall from its use, i.e. standing on a roof ledge or high elevation.
- D. Avoid the facial area of the head, neck, groin and female breast, if possible.
- E. Any person that is shackled and handcuffed, unless there is an immediate threat to the officer, suspect or bystander.
- F. Should not be used as a tool of coercion or punishment.
- G. Excessive use of the X26 Taser in subduing a subject is forbidden.

## **GUIDELINES FOR POLICE OFFICER REMOVAL OF TASER PROBES FROM SUBJECT**

### **Supplies:**

Gloves, Antiseptic wipes, Band-Aids, Spent Cartridge, Biohazard Sticker

### **Subject Safety:**

DO NOT attempt removal if subject is combative

DO NOT attempt removal if location of the probe is

Face

Neck

Ear

Breast

Groin

Deeply imbedded

Eye (Only Emergency room staff may remove probes in these areas)

Probes that are superficially in the skin may be removed by an officer who is trained to do so and under the supervision of another officer.

### **Procedure:**

1. Officer dons gloves
2. Places spent taser cartridge on the ground or other flat surface with holes up
3. Firmly grasp the probe and with one pull remove probe from subject and place probe point down in the spent cartridge DO NOT HOLD CARTRIDGE WHILE PLACING USED PROBE INTO CARTIDGE, INSTEAD KEEP IT ON THE GROUND OR OTHER FLAT SURFACE

4. With antiseptic wipe, clean the skin in circular motion moving from puncture wound out - dirty skin will need more than one cleaning – use new antiseptic wipe for each cleaning DO NOT GO BACK AND FORTH ACROSS THE PUNCTURE WOUND, START IN CENTER AND MOVE OUTWARD IN A CIRCULAR MOTION (this is to prevent infection of the puncture site)
5. After air drying apply clean dry Band-Aid
6. If needed, follow same procedure for removal of second taser probe
7. Each fired probe shall be treated as a biohazard whether it is in the skin or not at the time of post-deployment evaluation
8. Secure holes of spent taser cartridge with tape and apply biohazard label
9. Handle, store and dispose of cartridge in the same manner as biohazardous waste
10. Assess subject for any injury or condition that may need medical attention and seek appropriate level of service for the subject
11. Provide Taser Aftercare Instruction Sheet to the subject or subject's responsible party if released from custody and to admitting jail if subject is incarcerated
12. Remove gloves and clean hands with waterless hand sanitizer

*This policy has been reviewed and approved as signed and dated below.*

\_\_\_\_\_  
*Chief S. Stanley*

\_\_\_\_\_  
*Date*



Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 16, 2007

315.00

**TRANSPORTATION OF PRISONERS/PERSONS**

The Gallup Police Department shall provide for the safety and security of any person being transported by personnel of this Department. This includes persons who have been arrested, or who are being transported for any other reason.

**RULES AND PROCEDURES:**

**315.01      GENERAL PROVISIONS**

- A. Under no circumstances should one sworn personnel attempt to transport more than one violent person. If necessary, sworn personnel should not hesitate to pair up in transporting felony suspects or violent persons, making sure that their supervisor is made aware of their pairing up, and the patrol car not being used is properly parked and secured.
- B. Prisoners will be carefully searched for weapons, evidence, and/or contraband before they are transported.
- C. In the event that the prisoner is turned over to another unit for transportation, the transporting sworn personnel must take the same precaution, making a careful search for weapons or evidence, prior to placing the prisoner in the second patrol car.
- D. Use of restraints to secure prisoners is limited to one or a combination of the following department approved restraining devices:
  - 1. Handcuffs (double locking)
  - 2. Flexcuffs (department issued)
- E. In all cases where provided, seat belts will be utilized by each prisoner/passenger.
- F. If a prisoner is being transported in a two-man unit, the following procedures will be adhered to:
  - 1. With a protective cage, the prisoner will be handcuffed properly (behind the back, if possible, and double-locked or using a transport belt) and seat belted into the passenger rear side. The passenger sworn personnel will be seated in the passenger front seat of the vehicle.
  - 2. Without a protective cage, the prisoner will be handcuffed properly and seat belted into the right rear passenger seat. The passenger sworn personnel will be seated in the rear seat directly behind the driver.
- G. If a prisoner is being transported in a one-man unit, the following procedures will be adhered to:
  - 1. With a protective cage, the prisoner will be handcuffed properly and seat belted into the right rear passenger seat.



Gallup Police Department  
\* Rules and Procedures \*

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Effective date: April 16, 2007

2. Without a protective cage, the prisoner will be handcuffed properly and seat belted into the right front passenger seat.
- H. In the event that a sworn personnel is transporting a person of the opposite sex (other than fellow sworn personnel) or a juvenile in the course of official business, the officer shall notify Metro Dispatch center of the fact that a person of the opposite sex or juvenile is being transported and shall:
1. State the purpose of the transport, i.e. prisoner, witness, motorist assist, etc.
  2. State the location at which the person entered the vehicle.
  3. State the intended destination.
  4. State the current odometer reading.
  5. Upon reaching the destination, the Metro Dispatch center will be notified of the ending odometer reading. All intermediate stops shall also be similarly noted.
- I. Any unusual circumstances encountered during transport will be immediately relayed to Dispatch and the on-duty Commander via police radio.
- J. Upon arrival at the booking desk, violent or unruly prisoners will remain handcuffed until just prior to being placed in a cell.
- K. Once a prisoner has been removed from the transporting vehicle, a thorough search shall be made to ensure that no contraband/evidence has been hidden/concealed by the prisoner.
- L. In the event that a prisoner should escape from custody while en-route to booking, an immediate notification should be made to other units as well as to other agencies which may have jurisdiction in the area.
- M. Handcuffs or other restraints will always be used when transporting prisoners. Police Officers may use discretion when extenuating circumstances, such as medical problems or disabilities, make it difficult to handcuff prisoners behind their back.
- N. Prisoners are permitted to be handcuffed to stationary objects or to each other, if circumstances dictate.
- O. Once a prisoner is placed into a patrol car for transport, either the arresting officer or an assisting officer will attempt to keep visual contact with the prisoner at all times.
- P. Police Officers transporting prisoners/citizens should not make any attempts to perform other law enforcement functions except in an extreme emergency. If this occurs, they must take extra precautions to ensure the safety and security of their prisoner. If a stop becomes necessary, it should only be until other law enforcement officers arrive. Under no circumstances should they become involved in a pursuit or assist in one. See S.O.P. section on Pursuits.
- Q. Police Officers are under no obligation to let prisoners communicate with an attorney or other persons while they are being transported. In

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 16, 2007

practice, communication with the prisoner should be minimized to prevent possible plans for escape or attack on the transporting Police Officers.

- R. While officer is transporting prisoner(s), the camera covering the rear seat will be activated, if possible.

**315.02 SPECIAL TRANSPORTATION SITUATIONS**

- A. Under extenuating circumstances, a male officer may pat down a female prisoner (or female officer a male prisoner) only with the back of his/her hands, and in the presence of another officer, to ascertain the presence of weapons.
- B. Physically and/or Mentally Handicapped Prisoners may require some considerations not normally associated with prisoner transportation. When dealing with a prisoner in this category, the following will be done, at a minimum:
1. Remove personal property and conduct a thorough search for weapons at the scene;
  2. Physical condition permitting, handcuff behind the back and double lock the cuffs;
  3. Seat belt the subject in the right, rear seat;
  4. Transport in a vehicle equipped with a barrier/cage;
  5. Casts, braces, or artificial limbs must be searched for contraband or weapons; and
- C. The Detention Facility may refuse to accept those prisoners who have visible injury, complaint of injury if involved in a vehicle accident in the past 24 hours, extremely intoxicated persons, those persons with depressed or elevated vital signs, and those persons who have medical problems/illnesses. In these cases, the transporting officer(s) will:
1. Summon medical aid to the scene prior to any transport.
  2. If a problem is noted during transport, the Gallup Fire Department ambulance and/or rescue units will be called to render immediate medical attention; or
  3. If the prisoner's condition requires that he/she be transported to a medical facility, the officer will either ride in the ambulance with the medical personnel, or follow the ambulance in his/her patrol vehicle; or
  4. The officer may choose to transport the prisoner directly to a medical facility or fire station to obtain medical aid.
  5. In making this determination, the officer will consider the requests of the ambulance personnel, the violent nature of the prisoner, and any evidence to be preserved.
  6. The officer's decision should be based upon the severity of the illness or injury, location and the length of time to complete the transportation.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 16, 2007

7. Handcuffing procedures will be the same with sick and injured prisoners as with other prisoners.

**315.03 MEDICAL TRANSPORTS**

- A. When a prisoner has been transported to a medical facility and is subsequently admitted by the attending physician, the officer will immediately notify the Shift Supervisor. The shift Supervisor will immediately determine whether issuing a citation is an option when the prisoner is being held on misdemeanor charges.
- B. Hospitalized prisoners being held on felony charges are the responsibility of the Department until booked into the Detention Center.
- C. If the injury can quickly be treated, the Officer will remain with the prisoner.
- D. If the injury requires a prolonged stay at the hospital, the Shift Supervisor shall contact the Field Services Bureau Commander.
- E. The Officer will maintain control over the prisoner's actions at all times. The prisoner shall be kept in restraints unless the attending physician requests they be removed for medical purposes, but only if the Officer determines it is safe to do so.
- F. Officers will stay with the prisoner unless the treating physician requests the Officer to remain clear. Officers will maintain a post immediately outside the restricted area.
- G. The Officers in charge of the prisoner shall maintain security of the prisoner until officially relieved.
- H. Shift Supervisors of the officers shall ensure that the Officer(s) guarding prisoner(s) are checked periodically and relieved as necessary.
- I. The officer must provide a copy of a release from a medical facility to Detention Facility personnel when booking the prisoner.
- J. Any problems with Detention personnel refusing to accept a prisoner shall be reported to the on-duty commander, who will be responsible for making contact with Detention personnel to solve the problem.

**315.04 PRISONERS THAT PRESENT HEALTH HAZARDS**

- A. All sick persons except those with a contagious or highly communicable disease will be transported in normal fashion as per policy guidelines.
- B. If the disease is contagious or becomes serious, other means of transportation will be sought. All sick prisoners with control of their facilities will be restrained.

**315.05 ESCAPE OF PRISONERS**

- A. In the event of an escape of a prisoner prior to or during transportation, the transporting officer will refer to the Department Directive 59.1 entitled, "Escape from Custody".

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 16, 2007

**315.06 VIOLENT AND COMBATIVE PRISONERS**

- A. When an individual is taken into custody, Police Officers will not utilize the Total Appendage Restraint Technique commonly known as "hog-tying".
- B. When Police Officers are faced with violent, combative prisoners, they will follow the listed procedures:
  - 1. Police Officers will utilize the RIPP Hobble only when necessary to stabilize a violent individual from a demonstrated intent to injure himself or another.
  - 2. Police Officers must guard against leaving the individual or allowing the individual to go to the chest down position as this could cause Positional Asphyxia.
  - 3. Police Officers will check the Hobble prior to use in order to insure the Hobble is in good condition and the buckle and clip are working properly.
  - 4. Police Officers will not utilize a passive restraint procedure by themselves. A minimum of two Police Officers will be utilized.
  - 5. Police Officers will only apply the Hobble as instructed.
  - 6. The prisoner will be moved to the "Downed Search" position (on his side), maneuvered to his knees, and then placed in a sitting position after the Hobble is applied to ensure the prisoner has a clear unobstructed airway.
  - 7. The prisoner will then be placed in a patrol vehicle in an upright, seated position, and seat belted. Under no circumstances will a prisoner who is hobbled be allowed to remain in the faced down, prone position.
  - 8. The prisoner will be transported with a second Officer in the vehicle. The secondary Officer's responsibility is to ensure that the prisoner remains seated upright and maintains an open, clear airway.
  - 9. Prisoners who are hobbled will always be transported with a second Officer in the vehicle.
  - 10. Police Officers will promptly notify the on-duty supervisor when the Hobble has been utilized.
  - 11. Police Officers will seek immediate medical attention for the prisoner if signs or symptoms of cocaine psychosis, excited delirium or positional asphyxia are observed.
- C. When Police Officers are faced with prisoners who spit, have spat, or indicate they are likely to spit, the following procedures will be followed:
  - 1. Police Officers encountering prisoners who spit will utilize the Department issued "Transportation Hood".
  - 2. Use of the Transportation Hood will be in strict accordance with proper training and techniques.

Gallup Police Department  
\* Rules and Procedures \*

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Effective date: April 16, 2007

3. The Transportation Hood will be placed over the head of the individual to prevent the transfer of saliva, sputum, blood or other fluids.
  4. The Transportation Hood is designed for single, one-time use and is not to be re-used. Once used, the Transportation Hood is considered a "Bio-Hazard" and will be disposed of in compliance with policies and procedures regarding the disposal of bio-hazardous materials.
  5. No other methods will be utilized to control or prevent this action. The Transportation Hood will only be used to deter spitting and will NOT be used for any other purposes.
  6. A detailed description of the use of the Transportation Hood will be included in the Offense/Incident Report.
  7. Each Watch/Division will be responsible for maintaining and issuing of the Transportation Hood.
  8. Training in the use of the Transportation Hood will be the responsibility of the Training Section.
- D. The use of the City of Gallup Fire Marshal's Office is an additional option in these circumstances. Should an Officer or supervisor deem it necessary to transport the prisoner on a back board, Fire Department will be contacted.
1. Upon notification of dispatch, a paramedic unit will be requested for transport of the violent/combatative individual.
  2. The prisoner will be restrained and secured to a "back board" device. An Officer will remain with the prisoner while the paramedic unit transports them to the detention facility.
  3. An assisting Officer will respond to the detention facility, following the paramedic unit, should additional assistance be needed.
  4. The prisoner will be released from the restraints only upon the arrival of both Police Officers at the detention facility.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

316.00

**BOOKING PROCEDURES**

The Department shall process prisoners through the Gallup McKinley County Detention Center and the Juvenile Detention Center in a thorough, expedient, and effective manner.

**RULES AND PROCEDURES:**

316.01      **CUSTODIAL BOOKING**

- A. Adult offenders arrested by Police Officers will be booked into the booking facility in the McKinley County Detention Center. This will include all Federal, State, County, City prisoners and active duty military offenders wanted for A.W.O.L. or desertions (etc.). Juvenile offenders will be booked into the Juvenile Detention Center booking facility. In all cases a report will be written.
- B. Absolutely no knives, guns, ammunition or chemical agents will be accepted by Detention personnel to be placed in the prisoner's property. These items may be tagged into evidence as safekeeping in accordance with evidence guidelines.
- C. If an arrest is based on a warrant, the Officer will specify on the pre-booking form the warrant number and the type of warrant; felony or misdemeanor; and what charges are contained in the warrant, i.e., probation violation, burglary, etc.
- D. The arresting Officer will determine the charges and count level on all arrests in accordance with Department guidelines, state statutes, and City ordinances. The arresting Officer will ensure that the correct specifications are indicated on the booking form by corrections personnel. Police Officers will complete the appropriate traffic or misdemeanor citations, and a criminal complaint to be submitted to booking personnel.
- E. When additional charges are placed against an individual, the Officer will notify the booking desk personnel in person making sure that the offender is still in custody, that the right inmate is charged with the additional charge(s), and that the paperwork is properly administered. A supplemental report will be written to indicate this notification.
- F. Police Officers will secure all weapons in their vehicles or in the lock boxes prior to entering the booking facility. Damaged lock boxes will be reported to the booking supervisor. The expandable baton and mace are equipment that are permitted to be carried by Police Officers into the facility.
- G. A thorough search of the prisoner will be conducted at the booking desk by the arresting Officer, or the transporting Officer, whichever the case may be. In the event the prisoner is a female, the search will be conducted by a female Officer, if available, or female corrections personnel.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

- H. All prisoners being booked into the detention center will remain handcuffed until the booking process is completed, except when using the Intoxilyzer at the Detention Center, or upon authorization of the Detention Center supervisor.
- I. A subject who is being charged by the arresting Officer with both a felony or felonies and a misdemeanor or misdemeanors will be booked on felony charge(s) only. The offender will be charged with all felonies and misdemeanors together in the District Court. The arresting Officer will indicate what additional misdemeanor charges the offender should be charged with on the original report.
- J. In all cases where a Officer, suspect or prisoner has been injured, whether such injuries are visible or not, photographs will be taken. All persons who resist arrest in any manner will be photographed. Additionally, Police Officers will photograph all persons charged with Battery on a Police Officer and/or Aggravated Battery on a Police Officer.
  - 1. It is the responsibility of the arresting/reporting Officer to ensure that photographs are taken.
  - 2. The photographs will be taken by a Field Investigator. If the injuries to the Officer or individual require medical treatment, the F.I. will take photographs at the hospital. Photographs may be taken by any other Department personnel trained in crime scene photography.
  - 3. The F.I. will be responsible for submitting the exposed film to Evidence for processing. If other Department personnel take photographs, the film will be given to the arresting/reporting Officer for submission to Evidence.
- K. Injuries that may have occurred as a result of any action taken by the arresting Officer(s) will also be documented on the Offense/ Incident Report Form.
- L. Injured arrestees shall be examined by Detention Center Medical Services Unit personnel, who shall make the decision as to whether the arrestee shall be accepted into the facility, or taken to a hospital for treatment. If an arrestee is rejected for medical reasons, they shall be transported to the Hospital by the Officer who has custody of the prisoner. The Officer will notify the on-duty supervisor of this incident as soon as possible.
- M. Arrestees will remain the responsibility of the arresting or transporting Officer until all booking/medical procedures are completed.
- N. After the booking process has been completed, the transporting Officer will search their vehicle for evidence and/or contraband that may have been left by the prisoner prior to the Officer leaving the parking area of the Detention Center.

Effective date: July 3, 2007

317.00

**EVIDENCE - CONTRABAND - FOUND PROPERTY**

The Department shall properly preserve evidence, contraband, and other found property in a safe, secure location. Property as described above will be maintained in an orderly manner where it may be retrieved as necessary for use in judicial proceedings, or returned to the owner(s) upon a lawful request.

**DEFINITIONS:**

**EVIDENCE**

Items that may aid in determining the truth during an investigation of a criminal or civil process.

**CONTRABAND**

Items which are illegal to possess.

**FOUND PROPERTY**

Items which are found by Department personnel or given to Department personnel because the owner cannot be located or is unknown.

**BIO-HAZARD**

Items that have been contaminated by human blood, body fluids or a hazardous chemical.

**RULES AND PROCEDURES:**

**317.01      EVIDENCE**

- A. All articles as defined above will be properly tagged and submitted to the Department Evidence room by the end of the sworn personnel tour of duty. Personnel handling evidence or other property will be accountable for the proper preservation and security of these items until they have been released to the Evidence Room.
- B. A written report detailing the circumstances by which evidence and/or property came into the Department's possession and describing each item of property obtained.
- C. Evidence lockers will be provided at the Law Enforcement Building. Evidence Technicians will pick evidence up from these lockers on a regular basis, and take them to the Evidence Room.
- D. Only those persons (Criminal Investigations Captain, C.I. Lieutenant, Crime Scene Investigators) assigned directly to the Evidence Section shall have the authority to access secured areas.
- E. All items of evidence will be properly tagged and taken to the evidence room prior to any use by, or release to, any other sworn personnel.
  1. A log will be maintained at the lockers for entry of appropriate information on each item submitted.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 2, 2007

- F. Items that have been contaminated by human blood or other body fluids will be considered a bio-hazard. These items will be tagged as such and submitted to the Evidence Room.
1. Items as described above will be tagged with a **BIO WARNING LABEL, AND BAGGED IN A BIO-HAZARD BAG.**
  2. During normal working hours, properly tagged contaminated evidence will be taken directly to the Evidence Section for appropriate processing.
  3. After normal hours contaminated evidence will be placed in the OSHA approved BIO-BIN located at the Evidence Section. If access cannot be gained to this facility, personnel from the Evidence Section **MUST** be called out to take custody of the items.
  4. Once the evidence has been decontaminated, or otherwise processed by the Evidence Section, personnel from that section will tag the item into the Evidence Room.
- G. An evidence tag will be completed for each item submitted to the Evidence Section. Each tag must be completed legibly and to the fullest extent possible.
- A notation in the evidence log must be made which completely details the information contained on the evidence tag.
- Personnel tagging evidence must comply with all instructions given by Evidence personnel regarding proper packaging and submission.
- H. Evidence which is sensitive and must be protected from contamination, (such as evidence which will be processed for fingerprints or other trace evidence), **MUST** be tagged and packaged to preserve its integrity.
- I. Documents, audio, and video tapes will be tagged separately to facilitate transcription and storage. Audio tapes must be packaged in envelopes. Video tapes should be packaged in plastic bags. The evidence tag is then attached to the envelope or plastic bag.
- J. When firearms are placed into evidence it is the responsibility of the person tagging it to ensure that the weapon is in a safe condition. If they are not familiar with the operation of the weapon, they should request the assistance of other qualified personnel who may then render the weapon safe. The weapon should be tagged and then prepared for submission with the action or cylinder in an open/safe position.
1. When the weapon is not being processed for trace evidence, it may be placed in a plastic bag.
  2. Firearms will not be disassembled prior to being submitted.
  3. Ammunition seized with a firearm must be tagged separately from the weapon.
  4. Spent casings will be bagged separately from other ammunition.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

- K. Knives with folding blades will be submitted with the blade taped closed unless doing so will destroy potential evidence. If they are stored with the blade open, care must be taken to prepare them so that the risk of injury is minimized (wrapped in cardboard or other protective material).
  - 1. Knives with fixed blades will be sheathed if available or the blade wrapped in protective material as described above, if they do not contain potential trace evidence.
  - 2. Knives of any type that may possess trace evidence should be handled as little as possible prior to packaging. The outside of the evidence package should clearly indicate that an open blade is contained in the package, so that evidence personnel can handle the package appropriately.
- L. All syringes will be placed in the proper size syringe tube before being submitted to evidence. Syringes not needed for evidence will be marked for **DESTRUCTION** and be placed in a **BIO-HAZARD** barrel or sharps container located at the main Police Building. Evidence personnel will be responsible for the proper disposal and replacement of Sharps containers, as needed.
- M. Marijuana, cocaine and heroin must be tagged-in separately when accompanied by requests for analysis. If drugs or drug paraphernalia are not needed as evidence they must be marked for **DESTRUCTION**. Requests for analysis can be completed by the Officer and sent through interoffice mail.
  - 1. Narcotics or other drug evidence will be sealed in plastic evidence bags and the person making the seizure will place their initials and the date across the seal using a permanent marker.
  - 2. Undried marijuana leaves will not be sealed in plastic bags. They **MUST** be placed in paper bags or boxes and the containers marked "**GREEN MARIJUANA**".
  - 3. Drug laboratory items (beaker, test tubes, funnels, chemicals, etc.) **MUST NOT** be placed in the Evidence Room until they have been inspected by Evidence personnel. During regular business hours these items will be taken to Evidence room for examination. For items recovered after regular hours, Evidence personnel **MUST** be called out to inspect them.
- N. If containers of beer or other alcoholic beverages are tagged into evidence and the contents are not needed, the fluid should be emptied in the presence of another witness and appropriate notes made on the initial incident report. Beer kegs should be photographed if needed for evidence, if they do not possess trace evidence.
- O. If vehicle license plates are confiscated, and are not needed for evidence, they should be placed into a box provided at the evidence lockers. Evidence technicians will then transport them to the Department of Motor Vehicles.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

- P. All money received will be counted by the collecting Officer and by a second Officer, for verification. The second Officer will initial the "verified" box on the evidence tag. All monies tagged into Evidence will be placed in the designated "drop box" only.
- Q. Items that do not fit into a regular evidence locker will be placed in the area behind the evidence lockers. The on-call Evidence Technician will be called out to take custody of items that require the use of a truck/van for transport.
- R. Money that has been seized as evidence will be deposited in a specially designated bank account seven (7) days after receipt by the Evidence Room.
1. **"Marked Monies"** shall be maintained in evidence in its original condition when requested by the investigating Officer; otherwise, it shall be deposited according to guidelines established by the District Attorney's Office. The investigating Officer is responsible for making reduced (50% normal size) copies of any money needed as evidence. All money collected in any individual case will be consolidated by ownership.
  2. Coin Collections and monies with a numismatic value greater than the face value shall be maintained in Evidence in the condition received.
  3. The owner(s) of any monies as designated above shall be notified when they may be released. They shall be notified by Certified Registered Mail, Return Receipt Requested, within ten (10) working days after authorization for release has been received from the District Attorney or other appropriate authority.
  4. Notification shall be prepared by the Department's Evidence Custodian for signature by the Chief of Police or his designee.
  5. The owner(s) shall have thirty (30) days from the day of receipt of notification to contact the Evidence Custodian to claim the money.
  6. All monies returned will include any interest that may have accrued, and will be by check, (unless the money is as described above and has a greater than face value) endorsed by two (2) authorized signatures.
  7. All bank records shall be maintained by the Evidence Unit.
- S. It will be the duty of the investigating officer to make an attempt to locate the owner of any found item.
1. If the owner is found before the property is turned over to the property custodian, the officer shall return the item to the owner and obtain a signed receipt.
  2. Items will be released after proof of ownership has been presented.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 2, 2007

- K. All money received will be counted by the collecting Officer and by a second Officer, for verification. The second Officer will initial the "verified" box on the evidence tag. All monies tagged into Evidence will be placed in the designated "drop box" only.
- L. Items that do not fit into a regular evidence locker will be placed in the area behind the evidence lockers. The on-call Evidence Technician will be called out to take custody of items that require the use of a truck/van for transport.
- M. Money that has been seized as evidence will be deposited in a specially designated bank account seven (7) days after receipt by the Evidence Room.
  - 1. **"Marked Monies"** shall be maintained in evidence in its original condition when requested by the investigating Officer; otherwise, it shall be deposited according to guidelines established by the District Attorney's Office. The investigating Officer is responsible for making reduced (50% normal size) copies of any money needed as evidence. All money collected in any individual case will be consolidated by ownership.
  - 2. Coin Collections and monies with a numismatic value greater than the face value shall be maintained in Evidence in the condition received.
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  - 6. All monies returned will include any interest that may have accrued, and will be by check, (unless the money is as described above and has a greater than face value) endorsed by two (2) authorized signatures.
  - 7. All bank records shall be maintained by the Evidence Unit.
- N. It will be the duty of the investigating officer to make an attempt to locate the owner of any found item.
  - 1. If the owner is found before the property is turned over to the property custodian, the officer shall return the item to the owner and obtain a signed receipt.
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Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 2, 2007

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- P. Items that do not fit into a regular evidence locker will be placed in the area behind the evidence lockers. The on-call Evidence Technician will be called out to take custody of items that require the use of a truck/van for transport.
- Q. Money that has been seized as evidence will be deposited in a specially designated bank account seven (7) days after receipt by the Evidence Room.
  - 1. **"Marked Monies"** shall be maintained in evidence in its original condition when requested by the investigating Officer; otherwise, it shall be deposited according to guidelines established by the District Attorney's Office. The investigating Officer is responsible for making reduced (50% normal size) copies of any money needed as evidence. All money collected in any individual case will be consolidated by ownership.
  - 2. Coin Collections and monies with a numismatic value greater than the face value shall be maintained in Evidence in the condition received.
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  - 4. Notification shall be prepared by the Department's Evidence Custodian for signature by the Chief of Police or his designee.
  - 5. The owner(s) shall have thirty (30) days from the day of receipt of notification to contact the Evidence Custodian to claim the money.
  - 6. All monies returned will include any interest that may have accrued, and will be by check, (unless the money is as described above and has a greater than face value) endorsed by two (2) authorized signatures.
  - 7. All bank records shall be maintained by the Evidence Unit.
- R. It will be the duty of the investigating officer to make an attempt to locate the owner of any found item.
  - 1. If the owner is found before the property is turned over to the property custodian, the officer shall return the item to the owner and obtain a signed receipt.
  - 2. Items will be released after proof of ownership has been presented.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 2, 2007

**317.02**      **REJECTED EVIDENCE**

- A. Any item tagged into evidence which is improperly packaged or where the evidence tag is improperly completed will be "Rejected". Rejected evidence will be taken to the Evidence room along with all other collected evidence.
- B. A "Rejected Evidence Notice" will be submitted to the supervisor of the concerned Officer, detailing the reason for rejection. Rejected evidence must be corrected within twenty-four (24) hours of receipt of the Rejected Evidence Notice.

**317.03**      **RELEASE AND DISPOSITION OF EVIDENCE**

- A. No item of evidence, contraband, or found property will be released or destroyed without written authority to do so from the District Attorney or Court of competent authority. A copy of letters of authorization will be placed in the case file.
- B. Items of evidence that are removed from the Evidence Room will be signed for. If items are removed for court presentation they must be returned to the Evidence Room unless a receipt for them has been obtained from the prosecutor or judge.
- C. All personnel will ensure that the proper chain of custody is maintained for all evidence, and that appropriate signatures and dates are recorded on all transactions.
- D. Items returned from the court will have the case disposition noted on the back of the evidence tag.
- E. If items are tagged into evidence for destruction, this must be noted on the evidence tag.

**317.04**      **RAPE KITS**

- A. Rape kits collected in situations where a detective has been called out will be taken by the detective and tagged into Evidence.
- B. Rape kits collected at area hospitals where no detective has been called out will be collected by the officer and tagged into Evidence.
- C. The following items **WILL NOT** be accepted into the Evidence Room:
  - 1. Perishable food items;
  - 2. Any item which contains volatile fuel;
  - 3. Fireworks or other explosives;
  - 4. Live or dead animals;
  - 5. Body parts;

Gallup Police Department  
\* Rules and Procedures \*

---

Effective date: April 2, 2007

6. Items that could be returned to the owner, i.e., Property recovered from a shoplifting, larceny, or other incident where the item is not needed as evidence;
7. Any unidentified liquid (in this instance contact the shift supervisor and if needed the on-call CSI detective).



Effective date: September 15, 2004

318.00

EMERGENCY/AMBULANCE

The Department shall assist citizens in need of medical aid and/or emergency shelter.

RULES AND PROCEDURES:

318.01      EMERGENCY AID

- A. In emergency medical situations, Department personnel shall normally render only that degree of care necessary to sustain life, prevent or control shock, and prevent further harm based on each Police Officers training and abilities. Medical aid to victims will be provided based on the following qualifiers:
1. To administer first aid, the Officer has been qualified by completing a Department approved First Aid Course within the time limit specified for certification.
  2. To administer Cardiopulmonary Resuscitation (C.P.R.), the Officer has been C.P.R. certified within the time limit specified for certification.

318.02      ARTIFICIAL RESUSCITATION

- A. If the above condition has been met, the Officer shall perform artificial resuscitation, if necessary, using the issued resuscitation mask. Artificial resuscitation may be performed if the mask is unavailable.

318.03      SERIOUS INJURY

- A. In cases of serious injury, illness, or suspected death, personnel shall immediately request City Rescue, or MedStar Ambulance, depending upon the location of the incident. Transportation of victims will be provided by Departmental personnel only in extreme emergencies. Personnel will have Metro Dispatch make every attempt to contact next of kin to advise them of the nature of the injury/illness and the location of the victim.

318.04      U.N.M.H. LIFEGUARD HELICOPTER

- A. Lifeguard I from the University of New Mexico Hospital is available for evacuation of critically injured or ill victims when extraordinary conditions exist.

318.05      AMBULANCE SERVICES

- A. Police Officers may request an ambulance respond to the location where there is a need that is established by the Officer on-scene.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 24, 2007

319.00      **MIRANDA WARNING**

**Purpose**

The purpose of this directive is to establish guidelines regarding the responsibilities of members of the Gallup Police Department as they apply to Miranda warning.

**Policy**

Miranda warnings must be given when an individual is in custody and being interrogated. The purpose of Miranda warnings is to advise a person who is in custody or who is detained under circumstances in which a reasonable person would believe he or she is not free to leave, of the rights they have under the Fifth and Sixth Amendments of the United States Constitution and corresponding sections of the New Mexico Constitution. Such warnings must be given before any statements are taken from these individuals.

Miranda warnings are not required for minimal custodial stops for traffic violations. Non-custodial interviews do not require Miranda warnings. Custody is the critical factor which triggers the requirement to give Miranda warnings before an interview or questioning. Custody includes an arrest, detention, or any other situation where the person would not feel free to leave.

319.01      **INTERVIEWING NON-CUSTODIAL WITNESSES**

A. Non-custodial interviews do not require Miranda warnings.

1. No Miranda warning is required to be given to persons being interviewed **UNLESS** the person is placed in a situation where he/she would feel that he/she is not free to leave.
2. Interviews conducted in the home of the person do not require Miranda warnings unless the person is arrested in the home or the interview would be viewed as taking place in a coercive atmosphere.
3. Persons who come to the police department to discuss matters with investigating officers, even at the officer's request, need not be given the Miranda warnings so long as they are advised that they are free to leave at any time.
4. Persons who are under "investigative detention" should be advised of their Miranda rights as they are detained in custody and are not free to leave.
5. Persons who are mere witnesses or from whom factual information is gathered during the course of an investigation need not be advised of their Miranda rights, unless they are in custody.

319.02      **INTERVIEWING SUSPECTS BEFORE ARREST**

It is no longer required that persons be advised of their Miranda rights simply because they have become the focus of an investigation or are considered to be a suspect in a criminal matter. Custody, not focus, determines whether Miranda warnings are required.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 24, 2007

- A. Persons who have become the suspect of an investigation may be interviewed in non-custodial settings without giving Miranda warnings, just like other witnesses.
- B. Suspects who voluntarily come to the police department at the request of the investigating officer should be advised that they can leave at any time. This should either be documented in writing or on tape in every instance.
- C. In cases where an officer/detective intends to arrest the person on an outstanding warrant or if certain information is gained during the course of the interview, no Miranda warnings are required as long as the person remains free to leave at any time.
  - 1. Officers **MUST** remember that once the warrant for a person's arrest is mentioned, much less served, the person will be in a custody situation where he or she will feel they are not free to leave, and Miranda warnings are required before the interview of the person continues.
- D. Once the person is placed in custody and is no longer free to leave, warnings must be given before any further questioning takes place.
- E. It should also be noted the circumstances under which the interview was conducted, (how many persons present and who they are as well as where the interview was conducted).
- F. If an officer is unsure of the status of the person to be interviewed or is not familiar with the facts and circumstances of how this person came to be interviewed, the officer **MUST** get answers to these questions before the interview or give the person the Miranda warnings and secure waivers of the Miranda rights before proceeding with the interview.

**319.03      INTERVIEWING SUSPECTS AT TIME OF ARREST**

Persons who have been arrested, whether on the charge which they are to be interviewed about or on an unrelated charge, **MUST** be advised of their Miranda rights because an arrest means that they are in custody. An intelligent and voluntary waiver of those rights must be obtained from the person to be interviewed **BEFORE** any interview is conducted.

- A. Miranda warnings need not be given before obtaining personal identification such as name, address, date of birth and/or social security number. A person is not required to provide their SSN or Green Card for identification purposes alone. If a person volunteers this data however, it is acceptable.
  - 1. The arresting officer is **NOT** required to advise a person of the Miranda rights unless the officer is planning to interview the arrested person beyond the scope of those items noted in paragraph, **A**, above.
- B. If the arrest is on an outstanding felony warrant from this Department, the arresting officer should contact the officer or detective in charge of the case before advising the arrested person of their Miranda rights or conducting any interview.
  - 1. In the event the officer or detective in charge of the case is not available or cannot be contacted, the officer's supervisor should be contacted before proceeding with any interview.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 24, 2007

- C. Once an interview is being conducted, any statement by the arrested person, whether in response to questioning by an officer or otherwise given, should be recorded or noted in the officer's report along with the notice of Miranda Warnings.
- D. Officers/detectives should also note all answers given by persons who were not properly notified of their rights as per Miranda as this information might prove to be valuable later on.
- E. If it is determined that an officer/detective forgot to notify an arrested person of their rights as per Miranda, stop the interview, provide the Miranda warnings, then continue with the interview.
- F. If, after notice of Miranda the person now decides to invoke their rights, this does not relieve the officer/detective from documenting each statement made by the person even though proper warnings were not given.
- G. The officer advising a person of his or her Miranda rights should note the date, time, and location where the rights were read to the arrested person. In addition, the following items should be documented in the officer's official report:
  - 1. The officer should note if the Miranda warnings were read from a Miranda Card;
  - 2. The officer should note in the report whether the Miranda warning was read and the language it was read or translated in.
  - 3. The officer should note the date time and location of the waiver of the Miranda Rights and the name of any officers who were witnesses to the advisement of the rights and the waiver of the rights.

**319.04      ADVISEMENT OF MIRANDA RIGHTS**

All persons meeting the criteria of being in custody, under arrest, or held under circumstances under which a reasonable person would believe they are not free to leave, and who are to be interviewed or questioned shall be advised of their Miranda rights.

- A. The rights shall be administered in the language, which the arrested person understands, either English or Spanish. In the event the arrested person understands neither English nor Spanish, the shift commander shall be notified.
- B. Waivers to **BOTH** the Fifth Amendment and Sixth Amendment portions of the Miranda warning shall be obtained before interviewing or questioning of the person. The arrested person should not be asked, "Do you wish to waive your rights."
  - 1. The officer advising the person of his/her Miranda rights should determine first if the person wishes to waive the right to remain silent.
  - 2. If the person says "yes" then officer should proceed to determine whether he/she wishes to waive the right to have an attorney present.
  - 3. If the person says "yes" to both, then the interview may proceed.
  - 4. If a person gives an ambiguous answer to either, the officer conducting the interview may continue questioning only to determine if



Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 24, 2007

- the person wishes to waive the specific rights to which the ambiguous answer was given.
5. If it is determined that the person wishes to waive the rights, then the interview may proceed.
- C. If a person indicates that he/she does not wish to waive the rights to remain silent, any and all questioning must stop at that time. The officer will not ask if he/she wishes to waive the right to counsel.
- D. If, after having invoked his/her right to silence, a person later wishes to make a statement to the officer, the officer may conduct an interview only if the following are done:
1. The arrested person initiated the post invocation of rights contact.
  2. The officer again advises the arrested person of all of the Miranda rights.
  3. The arrested person knowingly, intentionally and voluntarily waives **BOTH** his/her right to remain silent and the right to counsel.
  4. A proper written waiver is executed.
- E. If a person indicates that he/she is willing to waive his/her right to remain silent **BUT NOT** the right to counsel, otherwise makes it known that he/she wishes to have an attorney present, any and all questioning must stop at that point and may not be started again until after the arrested person has his/her attorney present.
1. Even if the arrested person wishes to talk before the attorney arrives or advises the officer of a change of mind, there can be no further interview or statement until after the person has been allowed to contact an attorney.
  2. In this case the officer should contact a supervisor who will contact the District Attorney's office for further guidance.
  3. This difference between the effect that the invocation of rights has on the resuming of the interview process is the reason for the separate waiver of the rights to remain silent and to counsel.
- F. The Miranda rights are deemed to be invoked any time a person asserts that he/she does not want to answer any additional questions or that he/she wants to talk to an attorney.
- G. If the arrested person or other person being interviewed requests a break in the questioning, the date and time of the request should be noted and recorded. If questioning is resumed with the same person, the date and time the questioning is resumed should be noted and recorded.
1. In the event there is a long break between termination and resumption of the questioning, the person being interviewed should again be advised of his or her Miranda rights and proper waivers obtained before the questioning or interviewing is resumed.

319.05      **QUESTIONING PERSONS ARRESTED FOR DRIVING WHILE INTOXICATED**

When a person is arrested for Driving under the Influence of alcohol/drugs, the officer should, after arrest and before any other questioning, advise the person of the Implied Consent Law. Once the person has either given consent



Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 24, 2007

to take the blood alcohol test or refused to take the blood alcohol test, ONLY then, should the Miranda rights be administered.

- A. With D.W.I. suspects, the Miranda warnings apply to "in custody" situations.
- B. There is no need to give a D.W.I. Suspect Miranda warnings prior to arrest. The officer, of course, cannot delay the actual arrest an unreasonable amount of time so as to avoid the Miranda warnings.
- C. During the initial contact with the driver, the pre-field test interview, and the administration of the field sobriety tests, there is no need to give the Miranda warnings to the defendant.
- D. If the officer is not going to question the arrested person about the facts and circumstances surrounding the charges for which the person is under arrest, there is no need to advise the person of his/her Miranda rights and no need to obtain any waiver.

**319.06**            **QUESTIONING PERSONS ARRESTED FOR VEHICULAR HOMICIDE OR GREAT BODILY HARM BY VEHICLE INVOLVING DWI**

In cases of vehicular homicide or great bodily harm, where it is not determined initially or readily apparent who the driver of the vehicle was, Miranda warnings should be given to any and all persons who are custodially detained and are going to be interviewed or questioned about the accident. The key is the detention of the persons. For purposes of investigation and information gathering, questioning of persons at the scene, who are not detained does not require the Miranda warnings.

- A. For custodial questioning of individuals in connection with accidents, the Miranda warnings should be given and a waiver obtained as described above.

**319.07**            **RECORDING TELEPHONE CONVERSATIONS**

During the course of an investigation, persons may be interviewed over the telephone.

- A. Under such circumstances, it may be desirable to tape record this information for:
  - 1. Use as evidence in the case; or
  - 2. Future reference in the continuing investigation; or
  - 3. For use during preparation of the written report.
- B. The recording of telephone conversations may be used towards this end pursuant to 30-12-1 (NMSA) without the officer or detective being required to provide Miranda Warnings.
- C. This section does not apply to wire-tap which have special requirements.

NOTE: In the event a question concerning Miranda warnings or any related legal matter arises, the officer should contact his or her supervisor. In the event the supervisor has a question about how to proceed under the circumstances of a given case, the supervisor may contact the on-call Assistant District Attorney.

Gallup Police Department  
\* Rules and Procedures \*

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Effective date: May 24, 2007

**319.08      MIRANDA WARNINGS**

The rights afforded to all persons under the Constitution of the United States as interpreted in **MIRANDA V. ARIZONA**. The rights are listed as follows:

**ENGLISH:**

1. You have the right to remain silent.
2. Anything you say can be used against you in a court of law.
3. You have the right to talk to a lawyer for advice before we ask you any questions, if you wish.
4. If you cannot afford a lawyer, one will be appointed for you, before any questioning, if you wish.
5. If you decide to answer questions now, without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

320.00

**VIOLENT CRIME SCENE INVESTIGATION PROCEDURES**

The Department shall fully investigate all violent crimes occurring within the City of Gallup. These crimes include but are not limited to Aggravated Assaults, Aggravated Batteries, Robberies, Homicides, Missing Persons, Sexual Assaults, and the Abuse, Neglect or Exploitation of Children and Facility Residents.

The Department will consistently commit all of its available resources to recover physical evidence from all violent crime scenes leading our investigators to the best possible conclusions. The Departments sworn personnel will consistently extend their best efforts to keep abreast of, and utilize, the latest developments in the field of crime scene processing. Police Officers responding to and investigating violent crimes must continually commit themselves to complete the most comprehensive investigation they can with the resources and information which they have available. Police Officers must also collect all available physical and testimonial evidence using only those methods which will make this evidence readily acceptable for prosecution use.

**DEFINITIONS:**

**FIRST RESPONDER**

This is the first sworn Officer to arrive at the scene regardless of rank. Policy written under this heading applies to all personnel regardless of assignment.

**FIRST RESPONDING SUPERVISOR**

For the purpose of this section First Responding Supervisor will include only on-duty sworn supervisors.

**ON-CALL INVESTIGATOR**

The Investigator(s) who responds to the scene.

**INVESTIGATIVE SUPERVISOR**

For the purposes of this section "Investigative Supervisor" will include the On-Call supervisor from the Criminal Investigations Division.

**ON-CALL CRIMINALISTICS INVESTIGATOR**

The Criminalistics Investigator(s) who respond to the scene.

**LEAD INVESTIGATOR**

The On-Call Investigator will normally be considered the Lead Investigator. The Criminal Investigations Supervisor may appoint any Investigator they deem fit as the Lead Investigator. In the event that anyone other than the On-Call Investigator is appointed Lead Investigator, the Criminal Investigations Supervisor will make this selection known to all personnel of the investigative team.

Effective date: September 15, 2004

#### INVESTIGATIVE TEAM

Sworn personnel of the Criminal Investigations Division assigned to the case.

#### RULES AND PROCEDURES:

##### 320.01      FIRST RESPONDER

- A. The first Officer to arrive will evaluate injuries and render aid as deemed necessary while attempting to avoid the destruction or contamination of evidence.
- B. If the situation is handled by Field Services Bureau Officers without the assistance of personnel from the Criminal Investigations Division, the Officers will file a full and complete report prior to the end of their shift. In the event that any evidence is collected (including photographs) Officers must collect this evidence using only those methods which will make this evidence readily acceptable for prosecution use. Evidence must be tagged properly and placed in an evidence holding facility before the end of the Officer's shift.
- C. When an Officer, dispatched on a call for service, encounters a violent crimes situation that will require law enforcement services beyond those that the Field Services Bureau can effectively provide, they will request the presence of their Field Services Bureau supervisor at that location.
- D. If there is a crime scene in existence, the Officer will identify the scene's boundaries and then mark off an area slightly larger than the scene's boundaries. If the crime scene is within a residence, all occupants of the residence will be required to exit the residence; if it is within a business, the occupants of the business will be required to exit the business and business shall cease until the crime scene can be properly examined. In the event that the crime occurs in a treatment facility for the elderly or the mentally challenged, the facility should not be completely evacuated unless absolutely necessary. The Officer shall ensure that a satisfactory crime scene has been established.
- E. Once a crime scene has been established, the first responding Officer will establish a crime scene log. Once a log is established, personnel regardless of rank or assignment will not be allowed to enter the crime scene without the permission of the lead investigator. All personnel appearing on the crime scene log will prepare a supplemental report outlining his actions while within the scene. All supplemental reports to be prepared by Field Services Bureau personnel will be submitted prior to the end of their shift.
- F. Field Services Bureau personnel will also insure that all potential witnesses have been separated and secured.
  - 1. Field Services Bureau personnel will not discuss details pertaining to the investigation with witnesses, suspects or by-standers at the scene.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

2. Field Services Bureau personnel will not interview potential child victims under any circumstances. Interviews by Field Services Bureau personnel pertaining to children shall be limited to the gathering of basic information. When possible, this information should be obtained from adults present with the children.
- G. In the event that an arrest is made by Field Services Bureau personnel, the suspect should not be taken back onto the crime scene for any reason.
- H. Suspects should not be allowed to clean their persons prior to the collection of potential evidence.
- I. Field Services Bureau personnel shall not attempt to take statements or elicit confessions from potential offenders.
- J. Field Services Bureau personnel may encounter a situation requiring the taking of the Dying Declaration. These declarations should be taken in accordance with procedures making them admissible for prosecution of the case. The Officer taking the statement should also obtain a declaration from the subject that the statement is true and accurate. If possible these statements should be recorded or witnessed by rescue personnel. Police Officers should never interfere with heroic efforts to save the person's life when attempting to obtain a Dying Declaration.
- K. Field Services Bureau personnel will not remove any article from the person of a deceased victim, to include the victim's identification.
- L. Should Field Services Bureau personnel alter the scene or move any object within the scene they shall immediately inform the lead investigator upon his arrival at the scene.

**320.02      FIELD SERVICES SUPERVISORS**

- A. Will respond to all requests for assistance from Field Services Bureau Officers.
- B. After receiving a briefing from the Officer, the supervisor will assess the situation and request any additional personnel needed.
- C. Upon their arrival, the supervisor will ensure that if there is a crime scene in existence and that the Officer has identified the boundaries of the scene and then marked off an area slightly larger than the boundaries of the scene. If the crime scene is within a residence, all occupants of the residence will be required to exit the residence; if it is within a business, the occupants of the business will be required to exit the business and business shall cease until the crime scene can be properly examined. In the event that the crime occurs in a treatment facility for the elderly or the mentally challenged, the facility should not be completely evacuated unless absolutely necessary. The supervisor shall ensure that a satisfactory crime scene has been established. Supervisors will ensure that a crime scene log is in use.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- D. When an Officer, dispatched on a call for service, encounters a violent crimes situation that will require law enforcement services beyond those that the Field Services Bureau can effectively provide, the Field Services Bureau Supervisor will request the assistance of the On-Call investigator at the location.
- E. Field Services Bureau supervisors will not interview potential child victims under any circumstances. Interviews by Field Services Bureau personnel pertaining to children shall be limited to the gathering of basic information. When possible this information should be obtained from adults present with the children.
- F. Field Services Bureau supervisors shall not attempt to take statements or elicit confessions from potential offenders.
- G. Field Services Bureau supervisors shall be prepared to brief the first arriving on-call investigator. Once the briefing has taken place the scene and responsibility for further law enforcement action will be turned over to the on-call investigator. Should the Field Services Bureau supervisor feel that there is a need for a response other than the one planned by the on-call investigator, the Field Services supervisor may contact the on-call Criminal Investigations/Narcotics supervisor to discuss the situation. Decisions made by the Criminal Investigations/Narcotics supervisor will be final.

**320.03**

**CRIMINAL INVESTIGATIONS**

- A. The On-Call investigator will respond to all requests for assistance pertaining to violent crimes cases. Response will not be at the discretion of the investigator. The investigator will not attempt to assess a situation via telephone. Once the on-call investigator has arrived at the scene and has been briefed by the Field Services Bureau supervisor they will assume responsibility for the crime scene and the investigative process.
- B. Upon their arrival, the investigator will ensure that if there is a crime scene in existence and that the Field Services Bureau personnel have identified the scene's boundaries and then marked off an area slightly larger than the scene's boundaries. If the crime scene is within a residence, all occupants of the residence will be required to exit the residence; if it is within a business, the occupants of the business will be required to exit the business and business shall cease until the crime scene can be properly examined. In the event that the crime occurs in a treatment facility for the elderly or the mentally challenged, the facility should not be completely evacuated unless absolutely necessary. The investigator shall ensure that a satisfactory crime scene has been established. Investigators will ensure that a crime scene log is in use.
- C. The On-Call investigator will direct the investigation as well as the collection of physical and testimonial evidences pertaining to the investigation. Evidence will be collected by either a Field Investigator or the On-Call Criminalistics investigator. The investigator will be responsible for deciding if the Criminalistics investigator is needed. Investigators will ensure that all available physical and testimonial evidence is collected using only those methods which will make this evidence readily acceptable for prosecution use.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- D. When suspect(s) are identified, investigators will immediately take steps to collect any trace evidence that may be present on the suspect's person. The collection of this evidence must be done in accordance with acceptable standards so that all evidence collected is acceptable for prosecution use.
- E. In the event that a suspect is identified and arrested within 24 hours of committing the offense all of the suspect's clothing, including undergarments and shoes, will be taken for evidence purposes at booking. The investigator will have a Criminalistics investigator accompany them to booking so that the clothing can be properly collected. Should the arrest occur more than 24 hours after the crime was committed, the investigator shall attempt to determine if the suspect is wearing the same clothing worn at the time the crime was committed; if that is the case, the clothing should be collected as outlined above.
- F. The person of all suspects taken into custody will be examined for evidence. Any trace or physical evidence located will be documented prior to the booking process.
- G. The investigator will prepare all search warrants, motions to seal and orders to seal to be executed during the course of the investigation. The investigator will consult with the District Attorney's Office to determine if search warrants should be sealed, prior to a suspect's arrest. Should the District Attorney's Office determine that they should be sealed the investigator will ensure that the search warrant is accompanied by both a motion to seal and an order to seal.
- H. The investigator will prepare search warrants for all structures in which violent crimes have occurred. These warrants will be prepared prior to any search of the crime scene being conducted.
- I. Investigators need not obtain search warrants for open public spaces or for structures which members of the public would normally have unrestricted access to.
- J. A consent to search may be used in concert with a search warrant **but not in place of** a search warrant.
- K. Consent to search may be used if the investigator **does not** have the probable cause to obtain a search warrant.
- L. No individual suspect photos will be used for the purpose of identification. The investigator will prepare a photo array(s) to be used for identification purposes. All photo arrays shown will be accompanied by an approved photo array identification sheet. Once a photo array has been shown it will be tagged into evidence even if no identification was made from the array.

320.04

**CRIMINAL INVESTIGATIONS SUPERVISOR**

- A. The supervisor will provide the Metro Dispatch center with contact numbers for an On-Call investigator at all times.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- B. The supervisor will respond to any calls for assistance from the Field Services Bureau or the On-Call investigator.
- C. The supervisor will be available for consultation should the investigator need assistance. The investigator may consult with the supervisor via telephone or request their assistance at the scene if necessary.
- D. Should the investigator encounter problems, the supervisor will ensure that the proper support personnel respond to assist the investigator, this includes the Criminalistics investigator, the Office of the Medical Investigator or the On-Call Assistant District Attorney when necessary.
- E. The supervisor will automatically respond to any situations involving a death.
- F. The supervisor will ensure that the District Attorney's Office is called to the scene in the event that a death is being investigated.
- G. When responding to scenes the supervisor will ensure that all available physical and testimonial evidence is collected using only those methods which will make this evidence readily acceptable for prosecution use.
- H. Upon their arrival, the investigative supervisor will ensure that if there is a crime scene in existence the Field Services personnel have identified the boundaries of the scene and then marked off an area slightly larger than those boundaries. If the crime scene is within a residence, all occupants of the residence will be required to exit the residence; if it is within a business, the occupants of the business will be required to exit the business and business shall cease until the crime scene can be properly examined. In the event that the crime occurs in a treatment facility for the elderly or the mentally challenged, the facility should not be completely evacuated unless absolutely necessary. The supervisor shall ensure that a satisfactory crime scene has been established. The supervisor will ensure that a crime scene log is in use.

320.05            ON-CALL CRIMINALISTICS INVESTIGATOR

- A. The On-Call Criminalistics investigator will respond to the scene of all violent crime investigations at the request of the lead investigator or the on-duty Field Services supervisor.
- B. The Criminalistics investigator will document all scenes by video taping and still photographing the scenes as directed by the lead investigator.
- C. The Criminalistics investigator will respond to the scene and complete the collection of physical evidence pertaining to the investigation. Evidence will be collected at the direction of the lead investigator. Criminalistics investigators will ensure that all available physical evidence is collected using only those methods which will make this evidence readily acceptable for prosecution use.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- D. Upon their arrival, the investigator will ensure that if there is a crime scene in existence the Field Services personnel have identified the scene's boundaries and then marked off an area slightly larger than the scene's boundaries. If the crime scene is within a residence all occupants of the residence will be required to exit the residence; if it is within a business, the occupants of the business will be required to exit the business and business shall cease until the crime scene can be properly examined. In the event that the crime occurs in a treatment facility for the elderly or the mentally challenged, the facility should not be completely evacuated unless absolutely necessary. The Criminalistics investigator shall ensure that a satisfactory crime scene has been established. The Criminalistics investigator will ensure that a crime scene log is in use.
- E. Before beginning a crime scene investigation, the investigative team will conduct a briefing in which all information gathered at the time is covered. All sworn personnel of the investigative team will be present for this briefing.
- F. Criminalistics personnel will then enter the crime scene and video tape it in its entirety. Once the video tape is completed the Criminalistics Unit will withdraw from the scene and review the tape with the lead investigator. At this time the lead investigator will indicate any special investigative procedures they wish to have undertaken. In the event that a video tape cannot be reviewed on the scene, the lead investigator will accompany the Criminalistics investigator on his initial walk through in order to point out special procedures they wish to have preformed.
- G. When documenting the scene of a violent crime, the Criminalistics investigator will document the position of all light switches in the dwelling or structure and examine each light switch area for the presence of fingerprints or body fluid evidence.
- H. When documenting the scene of a violent crime, the Criminalistics investigator will examine all radios and televisions located within the structure. They will document the station or channel to which each is tuned.
- I. When documenting the scene of a violent crime, the Criminalistics investigator will photograph all doors and windows from both the inside and the outside of the structure. At this time the windows and doors should be examined for signs of tampering. The investigator will note whether the window or door is locked or unlocked. They should be photographed once in an unmarked state as they are found and then again with some type of marking to indicate the opening's location in the structure.
- J. All interior walls in the dwelling or structure will be photographed. They should be photographed once in an unmarked state as they are found and then again with some type of marking to indicate the walls located in the structure.
- K. All impression evidence should be photographed using a 1x1 lens. Impression evidence may be casted for preservation at the direction of the lead investigator.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- L. Any blood spatter evidence present will be photographed and diagramed for later use.
- M. The Criminalistics investigator will obtain samples from all blood pooling present at the crime scene.
- N. The Criminalistics investigator will obtain measurements and prepare a complete diagram sketch of violent crime scenes involving deaths.
- O. Items of evidence which will require specific measurement will be photographed once in the state in which they are located and once with the appropriate measurement scale included in the photo.
- P. When called to the scene of a death investigation, Criminalistics investigators will place the hands of the victim in paper bags unless they are directed not to do so by the Office of the Medical Investigator.
- Q. After the completion of the initial crime scene investigation by the Criminalistics Unit, an investigative team debriefing will take place. Once this debriefing is completed the following parties may have access to the inner perimeter at the discretion of the lead investigator:
  - 1. Investigative Team personnel
  - 2. District Attorney's personnel
  - 3. Special investigative resources requested by the lead investigator
  - 4. Office of the Medical Investigator

320.06      **VEHICLE SEARCHES**

- A. When investigating a violent crime or serving a search warrant in connection with a violent crime the Criminalistics investigator will note the position of the driver's seat and take measurements so that seat position may be documented.
- B. When investigating a violent crime or serving a search warrant in connection with a violent crime, the Criminalistics investigator will note the conditions of the vehicle windows and doors. Investigators will also note whether or not vehicle doors are locked.
- C. When conducting the search, the Criminalistics investigator will also collect other evidence as is called for by the warrant, or as they are directed to by the lead investigator.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: July 3, 2007

**321.00            SEARCH AND SEIZURE**

This policy is established to provide guidelines for enforcement personnel so that searches and seizures comply with Constitutional requirements.

Because of the changing nature of this topic, officers must stay abreast of recent court decisions and case law that may affect them.

It is the policy of the Gallup Police Department that all searches and seizures of private property will be conducted within well-defined, lawful, and constitutional guidelines. As such, this policy will serve as a standard for all matters concerning search and/or seizure.

In all cases, measures shall be taken to assure that all constitutional safeguards are provided to non-English speaking and/or hearing impaired persons in a manner that is clearly understood.

**DEFINITIONS:**

**SEARCHES**

There are three types of authorized searches that may be conducted.

1. A search authorized by a valid search warrant.
2. Consent to search.
3. Warrantless search.

Whenever an Officer conducts a search other than an authorized warrantless, or consent search, he will obtain a warrant for the search of the person or premises prior to commencing the search.

**PROBABLE CAUSE FOR A SEARCH WARRANT**

Probable cause is deemed as facts and circumstances that are enough to satisfy a person of ordinary caution that a crime has been committed, or is being committed, that the particular thing to be seized in a search is reasonably connected to a crime, and that it can be found at a particular place.

1. Probable cause is more than bare suspicion.
2. Only a probability of criminal conduct need be shown.
3. Probable cause must be based on what the Officer believes to be reasonably trustworthy information.

**Exceptions to the requirements of a Search Warrant**

**321.01            CONSENT SEARCHES**

- A. An officer may conduct a search without a warrant and without probable cause if the person to be searched gives consent to search.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: July 3, 2007

- B. Consent searches are limited in scope by request of the officer and the permission given by the person granting the consent to search.
  - 1. The officer may not legally search beyond the extent of the permission, which has been given. In addition, the consent to search lasts only as long as the person granting the consent does not change his/her mind.
  - 2. The person granting the consent to search may also limit the area covered by the consent; i.e., giving consent to search only one room or one area or may tell the officers to stop at any time.
- C. Because there is a legal presumption against a waiver of a constitutional right, the State (the officers) has the burden of proving to the Court that the consent to search, a waiver of 4<sup>th</sup> Amendment rights was made voluntarily.
  - 1. In determining whether the consent is valid, the Courts look at the age, education, mental condition, whether the person granting the consent was intoxicated, previous contacts of the person giving consent, as well as any other factors which may relate to the question of the voluntary nature of the consent.
  - 2. The courts will also look at the circumstances surrounding the giving of consent much the same as they look at a waiver of Miranda rights. If it appears that the person has been coerced into the consent, the consent will be deemed involuntary and, as a consequence, anything found as a result of the search and seizure will be suppressed.
- D. It is always best to record the request for consent and consent to search. This can be done either by tape recording or in writing on a Consent-to-Search form.
  - 1. Either method provides the Court with a clearer picture of the person's waiver of his/her Amendment Rights.
  - 2. Unlike cases involving in-custody questioning where a person must be warned of the rights he/she has in order to have a voluntary waiver of those rights, a person need not be informed of his/her right to refuse the request of the officer for consent to search. However, the much better practice is to advise them of such a right and note such advice in the officer's report. Again, this advice helps establish that the person has given voluntary consent to search.
- E. In addition, the courts look to the following environmental factors to determine the voluntarism of the consent to search.
  - 1. Was the person detained for a long time or a short time before the consent was given;
  - 2. Was the person threatened, physically intimidated or punished;
  - 3. Did the person rely on promises or misrepresentations by the police or others;
  - 4. Was the person in custody or under arrest;
  - 5. Was the consent given in public or secluded place;
  - 6. Did the person object to the search or stand silently by while it occurred?

Gallup Police Department  
\* Rules and Procedures \*

Effective date: July 3, 2007

- F. Officers must be cautious when seeking to obtain consent to search from a third party, one that is not the owner.
1. The courts have ruled that any person who possesses authority over or otherwise has a sufficient relationship to the premises or effects sought to be searched may grant authority to enter and/or search.
  2. "Actual Authority" is required for consent; there is not a "good faith" exception in New Mexico.
  3. Care in these circumstances must be exercised.
  4. For instance, a landlord may not consent to the search of a rented house. Parents may not consent to a search of child's room if the child maintains a reasonable expectation of privacy in the room. (The child must be 18 years of age or older in order to maintain a reasonable expectation of privacy. However, the circumstances may change depending on the living arrangements made with the parents. For instance, the child may be 16 or 17 years of age and be paying rent.) The same is true for third parties who stay overnight.
  5. In making a determination in the ability to give consent; see if the person giving consent has mutual use or joint access to the property.
- G. In searching residences based on consent, remember that the 4<sup>th</sup> Amendment protects the privacy interests of people.
1. A roommate may be able to give consent to search the areas of common use in the house but probably not the private room of his/her co-tenant.
  2. Likewise, consent to search an area does not automatically carry with it a right to search locked or closed containers of another even if found in the common area.
- H. If there is a question as to the validity of the consent or scope of the search, do not hesitate to contact the on duty commander/supervisor; and if the matter cannot be resolved or is still in doubt, contact the on-duty Assistant District Attorney.
- I. Consent to search is also typically used to draw blood for blood alcohol and/or drug tests, however, if the person refuses to submit to the test, a search warrant must be obtained.
1. If there is probable cause to believe the driver was under the influence of alcohol and/or drugs and the driver caused great bodily harm or death to another as a result of his operation of a motor vehicle while under the influence of alcohol and/or drugs, or this is the driver's fourth or subsequent DUI arrest, and the driver refuses to submit to a blood alcohol test, the officer shall seek and obtain a search warrant for the drawing of the blood sample.
  2. Once the search warrant is obtained, the blood may be taken even over the objection of the driver. It is important to note that even if the officer eventually gets the blood sample as a result of a search warrant, the driver has still refused the test and the refusal may still be reported to the New Mexico Department of Motor Vehicles.
- J. Officers may no longer obtain the results of hospital blood tests for the purpose of determining probable cause. These tests are protected under the physician patient confidentiality. These blood results are not allowed to



Gallup Police Department  
\* Rules and Procedures \*

Effective date: July 3, 2007

be used in court. However, if the person refuses to submit, a search warrant must be obtained.

321.02            **SEARCH INCIDENT TO A LAWFUL ARREST**

- A. Once a person has been lawfully arrested, a search without a warrant may be conducted of the arrested person and the area immediately surrounding the arrested person in which he could hide weapons or from which he may be able to obtain and destroy evidence.
  - 1. The scope of this search is limited to the area immediately surrounding the arrested person.
  - 2. Officers cannot lead an arrested person throughout his residence and justify a search of the entire residence as incident to arrest.
- B. There are several factors, which the courts use to evaluate the validity of this exception to the search warrant requirement.
  - 1. The search must be contemporaneous in time and place to the arrest of the person.
  - 2. Police may search only the person and immediate area from which evidence or weapons could be obtained.
  - 3. The search is invalid if the arrest is merely a pretext to allow the search of the person or the surrounding area.
  - 4. Locked areas and items which may contain a weapon or evidence may not be searched if it is unreasonable to believe that the person could obtain such items and destroy them or pose a threat to officers making the arrest.

321.03            **PROTECTIVE SWEEPS (WHERE ARREST HAS BEEN MADE)**

- A. A home or other premises where a lawful arrest has been made may be subjected to a limited "sweep," for the purpose of finding other persons, if the circumstances give the arresting officers a basis for reasonably believing that there are other persons on the premises who pose a danger to those at the arrest scene

321.04            **FRESH PURSUIT**

- A. To apply this exception, police must have probable cause to believe that a serious crime has been committed, that the person they are pursuing committed it and that the person is in the dwelling or structure they are entering.
  - 1. The time between the finding of probable cause to believe that a person is in a given building and the warrantless entry should be short and there should be some semblance of continued pursuit throughout the period.
  - 2. The key question to be answered in this matter is whether police would risk losing a suspect if time were taken to obtain a warrant.
  - 3. The scope of the search must be limited to areas where the suspect could reasonably be found.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: July 3, 2007

4. Once the suspect is located, further search beyond his reach, incident to arrest, cannot be justified unless there is more than one suspect or a protective sweep can be justified
- B. If it is believed that evidence may have been placed or hidden in the residence by the suspect and it is not found on a search incident to his arrest, a search warrant must be obtained before there is a further search of the residence.

**NOTE: THIS EXCEPTION CANNOT BE USED TO JUSTIFY THE POLICE IN PROCESSING A CRIME SCENE. BEFORE A CRIME SCENE CAN BE PROCESSED IN A RESIDENCE OR VEHICLE OR OTHER BUILDING IN WHICH PERSONS HAVE A POSSESSORY INTEREST, A SEARCH WARRANT MUST BE OBTAINED.**

321.05            STOP AND FRISK

- A. Terry v. Ohio, 392 U.S. 1 (1968), gave officers the right to conduct a limited pat down of a person they lawfully stopped when they have reason to believe that the person is armed and/or presently dangerous.
- B. Factors the Courts consider in this regard to determine the reasonableness of a pat down include:
  1. You have to have knowledge of facts that reasonably lead you to believe that the suspect is involved in criminal activity.
  2. You identify yourself as a Police Officer and make reasonable inquiries as to the suspect's conduct.
  3. His response to your stopping him and questioning him does not relieve your suspicions.
  4. Suggestive movements by the suspect, and there are visual clues as to the presence of weapons.
- C. You may frisk the suspect if you have knowledge of facts that reasonably lead you to believe that the suspect is armed or otherwise dangerous to yourself or others. A frisk must be a carefully limited search of the suspect's outer clothing, aiming at discovering weapons.
  1. Items that feel as if they may be weapons may also be removed to determine what they are.
  2. It must be remembered that a pat down is a search for weapons and is not an authorization for a complete search of the person or the pockets or clothing of the person unless intrusion is justified in retrieving something which the pat down found which reasonably could be believed to be a weapon and inspection of the item is reasonable to determine its nature.

321.06            PLAIN VIEW

- A. If officers are legally in the area or at a location, they may seize any item in plain view, which is evidence of a crime, contraband, or items that are otherwise seizable by the police.
- B. The key to this exception to the search warrant requirement is that the officer be legally in the position he is at, when the observation of the crime occurs. Such authority may be in the form of:



Gallup Police Department  
\* Rules and Procedures \*

Effective date: July 3, 2007

1. By some other exception to the search warrant requirement.
  2. Objects noticed by the officer, which are open to public view.
  3. During execution of a search warrant.
- C. There are two (2) tests which must be met in order to seize the property which is observed in plain view:
1. The police officer must be lawfully present at the location of the seizure.
  2. The items seized must be immediately recognizable as evidence or contraband.
    - a. The items seized, must by its own nature, the way it looks, the way it smells or the way it sounds, give police probable cause to believe that it is evidence of criminal activity.
    - b. If, during the course of executing a search warrant, officers come upon property which they believe to be stolen, the officers must be able to articulate a sufficient basis for the probable cause to believe that the items are stolen when they observed them and before they "seized" the items to check serial numbers or other identifying marks which may be contained on the items.

321.07            INVENTORY SEARCHES

It is the policy of the Gallup Police Department to conduct Inventory Searches of all vehicles towed by department personnel. Property with a value of \$25.00 or more will be included on the Inventory.

- A. Inventory searches of vehicles are valid if:
1. The vehicle is lawfully in police custody, and
  2. The inventory is conducted pursuant to established police regulations
- B. The purpose of an inventory search is not to search for contraband or for evidence of a crime but to justify and note property, which has come into the possession of police officers. The purposes of inventory searches as outlined by the Courts are;
1. To protect the owner's property while the vehicle is in police custody by creating a record of the property.
  2. To protect police from unfounded claims of lost property.
  3. To protect the police from potential danger.
- C. While officers have a duty to follow department guidelines in conducting inventory searches of vehicles, officers are not allowed to arrest persons for the purpose of seizing their vehicles and then using an inventory search as a pretext to search the vehicle.
- D. If an inventory is to comply with the reasons outlined by the Courts for allowing them in the first place, then it stands to reason that containers within the vehicle may also be searched to determine their contents in accordance with the department's policy.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: July 3, 2007

**321.08      PROBABLE CAUSE & EXIGENT CIRCUMSTANCES**

- A. Exigent circumstances are circumstances which arise which call for emergency and/or immediate action by law enforcement officers to prevent the imminent destruction of evidence or to save persons from death or injury.
  - 1. The exigent circumstance exception is generally used to justify entry into a building or residence without a search warrant, and when probable cause exists to search.
  - 2. It is important to remember that once the emergency ends so too does the exigent circumstance. Officers, depending upon the circumstances at the time, may be justified in making a protective sweep of the premises or conducting a search incident to an arrest.
- B. This exception to the search warrant requirement is not a blanket authorization to search everywhere and everything.
  - 1. Once the person is out of danger or once the evidence that was going to be destroyed is saved, the search must end.
  - 2. If there is need to search further, and probable cause can be found to support the further search, a search warrant for the remainder of the premises must be obtained.
  - 3. As with other exceptions, this is not an authorization to process a crime scene. Even if exigent circumstances justify the entry, officers must obtain a search warrant before any processing of a crime scene is begun.
- C. It is important to note that officers cannot "create" the exigent circumstance to gain entry or access and then to justify the entry or access based upon an exigent circumstance they have created. Any evidence so received would be suppressed.

**321.09      ARRESTED PERSONS**

- A. Persons who are arrested and taken into custody and booked are subject to search of their entire person along with any and all clothing and items in their possession at the time of the arrest.
- B. Once the person has been arrested, the person has in effect been seized for 4th Amendment purposes and the items the arrested person has with him or her, including clothing, may be seized and retained by the arresting officer.
  - 1. As a consequence, all clothing and personal items of the persons arrested for felony offenses where identity or description or the presence of trace evidence may be an issue should be seized by the officer booking the person when clothing is removed and retained in accordance with the Gallup Police Department policies for collection of trace evidence and items which may contain trace evidence.
  - 2. Each item of clothing should be bagged separately.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: July 3, 2007

321.10 ABANDONED PROPERTY

- A. Property, which has been abandoned by its owner, even though the owner may retain legal property interest in the property, may be searched without a warrant.
  - 1. The Courts have held that the person who abandons property loses any reasonable expectation of privacy in the object.
- B. If officers are called to a location in regard to property being found, the officers may inspect the property and even open containers for the purpose of determining the owner and nature of the materials inside, and for the purpose of accounting for the contents and assuring the safety of the officers.
- C. In the event that an officer opens a container with items which are obviously criminal in nature such as drugs or evidence of a crime, the better policy is to stop at that point and obtain a search warrant before proceeding to dig through the found container.
  - 1. The reason for getting a search warrant at this point is that the officer's mindset and intent are now different; the officer is now searching for information, which connects a person to criminal activity.
  - 2. Since the history of the container is not known to the officer, the container may in fact not have been abandoned by its owner and while the officer had legal justification to begin inspection of the contents, continuing a search after the criminal nature of the contents is apparent may violate the owner's 4th Amendment rights.

321.11 STRIP/BODY CAVITY SEARCH

- A. Strip searches shall not be conducted unless the officer has reasonable suspicion to believe that the suspect is concealing a weapon or contraband on their person and then only with the approval of a police lieutenant or higher command staff member. *Strip searches shall be completed in the presence of two (2) employees who are of the same sex as the person who is being searched. The strip search will be conducted in a private and secure area.* If a weapon or contraband is observed, i.e., taped to the body, the employee shall remove the item in a tactful manner maintaining the dignity of the suspect. If a possible weapon or contraband is observed inside a body cavity, the employee shall appropriately restrain the suspect and obtain a body cavity search warrant. Under no circumstances will the employee remove the item. The suspect shall be kept under constant and watchful supervision and shall be taken to a medical facility where the search warrant shall be executed.
- B. Under no circumstances shall any employee conduct a body cavity search on any person. A body cavity search requires a search warrant and must be conducted at a medical facility by appropriate medical personnel.

321.12 SEARCHES OF CRIME SCENES

- A. The 4<sup>th</sup> amendment protects people, not places. It protects the expectation of privacy which people have in locations and in objects. The



Gallup Police Department  
\* Rules and Procedures \*

Effective date: July 3, 2007

expectation of privacy must be what the Courts have phrased as "reasonable expectation" of privacy.

- B. Various items or locations have been held to have various levels of 4<sup>th</sup> Amendment protection depending upon the nature of the item or location and the purpose for which it is used.
  - 1. The highest level of expectation of privacy has generally been held to be the home or residence of an individual and the person of an individual.
  - 2. Vehicles and businesses have been held to have a lesser degree of protection because of the reputations to which they are subject and the fact that they are subject to inspection for any number of reasons.
  - 3. Open fields or vacant land probably have the lowest degree of protection.
- C. The fact that an expectation of privacy is less in a vehicle or business does not mean that it can be searched without a warrant absent one of the above exceptions.
- D. The U.S. Supreme Court in Thompson v. Louisiana 469 U.S. 17 (1984), made it very clear that there is no exception to the requirement for a search warrant because a place is a crime scene; in that case a residence was the scene of a homicide.
  - 1. The fact that a crime was committed in a certain location does not take away a person's property rights or lessen the 4<sup>th</sup> Amendment protection in the location.
- E. This situation arises most often in the context of crimes and crime scenes that are discovered within a residence. The officer must examine the facts and circumstances carefully.
  - 1. It is always safer to obtain a search warrant than it is to proceed on the assumption that an unknown suspect has no reasonable expectation of privacy in the residence, which contains the crime scene.
  - 2. As mentioned in the beginning of this section, officers may have sufficient grounds to seize evidence at a crime scene but not be legally allowed to search the scene without a warrant.
  - 3. Officers called to a given location who discover a crime, such as a homicide, may do the following:
    - a. Secure and thereby seize the residence and establish a crime scene log.
    - b. Make a protective sweep of the residence as explained above. (Only if the circumstances give the officers a basis for reasonably believing that there are other persons on the premises who may pose a danger to those on the scene.)
    - c. Refuse access to the residence and secure the contents of the residence.
    - d. Note and seize any obvious items of evidence, which are in plain view. Of course most officers understand the importance of documenting a crime scene and will leave items that are in plain view in place until after the scene has been thoroughly processed.

**Gallup Police Department**  
**\* Rules and Procedures \***

**Effective date: July 3, 2007**

- e. Conduct a search incident to arrest after an arrest has been made.
  - f. Allow any and all emergency medical treatment to be given to any victim.
  - g. Conduct a pat down of persons at the location if there is a sufficient basis for the officers to do so.
  - h. Interview witnesses or take statements as may be necessary.
- F. Other than these acts which could be done immediately or soon after the entry, the officers may **NOT** search for trace evidence, take blood samples, or otherwise process the crime scene without a search warrant.
- 1. Of course this does not apply to crime scenes which are in public places.
    - a. As there is no reasonable expectation of privacy in public places, the scene may be searched and processed as necessary.
- G. If the crime scene is in a vehicle, while ownership from the registration may be easily obtained, that may not show if the vehicle was recently sold to another.
- 1. If there is any possible doubt as to the ownership of a vehicle, a search warrant should be obtained before a search of the vehicle, other than an inventory search, is conducted.
  - 2. The vehicle may of course be seized and secured and held until a search warrant is obtained.

**321.13**

**ARRESTS IN THE HOME/THIRD PARTY HOMES**

- A. The Courts have held that a warrant for the arrest of a suspect implies that the officers may search the suspect's residence for the suspect.
- B. This search requires, first, a warrant for the arrest of the suspect and second, a search of his/her residence.
  - 1. As a result, officers who are not in hot pursuit of a suspect may not enter his/her residence without a warrant to search for the suspect.
  - 2. Even if the officers have a warrant for the arrest of the suspect, the search of the residence is only for the suspect, not for evidence of the crime.
  - 3. Evidence of the crime which is found in a location where the defendant could not have been located will be suppressed.
  - 4. When the defendant has been located in the residence and officers wish to search for additional evidence of the crime, a search warrant must be obtained for the residence.
  - 5. Evidence which is of an immediately apparent nature to the officer which is discovered in plain view during the course of the search for the suspect may be seized on the basis of the plain view exception.
  - 6. In addition, evidence discovered during a search incident to the suspect's arrest may also be seized (refer to directive 321.02).



Gallup Police Department  
\* Rules and Procedures \*

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Effective date: July 3, 2007

**321.14      SEARCH WARRANTS**

- A. Officers of the Gallup Police Department shall obtain search warrants for any search to be conducted other than the exceptions listed in this Directive.
- B. The following procedures will apply in obtaining a valid search warrant:
  - 1. The officer or detective shall prepare a typewritten affidavit for a search warrant, which specifically and clearly describes:
    - a. The officer's name, occupation, and training and experience that leads him/her to believe probable cause exists for the search;
    - b. The items to be searched for/seized;
    - c. The name of the owner/person in legal control of the place to be searched;
    - d. The exact location and detailed description of the place or person to be searched, and if known, the location of the items within the place to be searched.
    - e. All information and facts to support a finding of probable cause to believe that a crime has been committed and that evidence or fruits of the crime are located in the place to be searched.
    - f. A notarized statement that the officer/detective has accurately and truthfully stated known facts in the affidavit.
  - 2. The officer/detective must have the affidavit approved by a Criminal investigations commander/supervisor, and the on-duty Assistant District Attorney.
  - 3. Upon obtaining approval, the officer/detective must submit the affidavit to either a Magistrate or District Judge, who must sign the order. Remember Magistrates only have authority in their specific county. District Judges have statewide jurisdiction.
  - 4. If the search is to be conducted between the hours of 10:00 p.m. and 6:00 a.m., additional probable cause must be outlined and specific authorization must be granted in writing by the issuing Judge.

**321.15      SERVICE OF SEARCH WARRANTS**

- A. When an officer or detective obtains a search warrant that is signed by a judge, he/she has ten (10) days in which to serve the warrant. The officer/detective shall notify a supervisor of the warrant and a supervisor shall be present when the search warrant is served.
- B. Upon executing the search warrant, the supervisor will:
  - 1. Make sure that the return is properly filled out;
  - 2. Verify that the subject named in the search warrant is served with the appropriate copies;
  - 3. Verify the list of items seized, if any.
- C. The responsible detective/officer will:
  - 1. Fill out the return and inventory pages.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: July 3, 2007

2. Have the subject sign and date the inventory to acknowledge seizure of any items taken.
3. Provide the subject with a copy of the affidavit for search, a copy of the inventory, and a copy of the search warrant.
4. The original search warrant must be returned to the court within three (3) days. This may be done in person or by routing the return through the lead investigator.
5. Complete a supplemental report that includes the following information:
  - a. Original case number;
  - b. Date of receipt of the search warrant;
  - c. Date of service;
  - d. Location of service;
  - e. Name of person on whom the warrant was served;
  - f. Name of the Judge and court who issued the warrant;
  - g. Name of those persons present when the warrant was served;
  - h. Items seized in the search; and
  - i. Any arrests and/or pending charges.

**321.16      HIGH RISK WARRANTS**

- A. When there are facts to suggest that a place to be searched, or persons at the location present a special danger to the officers/detectives, the following steps shall be taken:
  1. A Case Plan shall be prepared by the Incident Commander.
  2. Plainclothes commanders or supervisors shall request assistance from uniformed officers, with approval from the on-duty commander or supervisor.
  3. If it is determined that uniformed assistance is not sufficient to lessen the risk, the commander or supervisor shall request assistance from the Emergency Response Team (ERT) Commander.
  4. All persons who respond to the scene shall wear Department issued ballistic resistant body armor.
  5. The Support Service Bureau Captain will be notified, and shall advise the Office of the Chief of Police, prior to the search taking place.
- B. All search warrants that are served with the assistance of the Emergency Response Team (ERT) will be in accordance with the E.R.T's standard operating procedures.
- C. Magistrates and Judges **CANNOT** pre-approve a no-knock entry. Such entry is the decision of Supervisor executing the search warrant. The decision must be based on facts known to the officers relating to the danger posed by knocking and announcing their presence and intent and particular situation. The fact that narcotics are involved and/or that the person(s) owns firearms is not sufficient. There must be a reasonable likelihood,

Gallup Police Department  
\* Rules and Procedures \*

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Effective date: July 3, 2007

based on articulable facts, that the weapons will be used against the officers or evidence will be destroyed.

1. If you have articulable facts, this information will be included in the search warrant affidavit.

**321.17            CONCLUSION**

- A. The expectations listed above are those most often encountered by officers in this jurisdiction. These are by no means exclusive and there have been situations omitted such as customs searches, border searches, searches in regard to business licenses, OSHA searches and drug testing of employees. As stated above, if a search or situation does not fall clearly into one of these exceptions to the search warrant requirement, then a search warrant must be obtained before the search is begun.
- B. While affidavits for search warrants are generally not difficult to write nor are search warrants difficult to serve, they do however require knowledge of the forms on which they are written as well as a familiarity with the Gallup Police Departments procedures for serving search warrants.
  1. If an officer encounters a situation where the officer feels a search warrant is needed or is not certain if a search warrant is needed, the officer should contact his supervisor for advice.
  2. If the supervisor determines that a search warrant is needed, the supervisor shall direct the manner in which the search warrant and supporting affidavit are applied.
- C. An Assistant District Attorney must approve all affidavits for search warrants before they are presented to the judge or magistrate to be issued.
  1. If the District Attorney's Office is closed, the on-duty Assistant District Attorney should be contacted by telephone for approval of the affidavit and search warrant.
  2. If an officer conducts a search without a search warrant, the officer shall state in his/her report the exception(s) to the search warrant requirement that the officer relied upon in searching the person or place and seizing the item or items of evidence or contraband.

Effective date: September 15, 2004

322.00

**INVESTIGATIVE PROCEDURES FOR THE ABUSE, NEGLECT OR EXPLOITATION OF CHILDREN OR CARE FACILITY RESIDENTS**

The Department shall fully investigate all cases of abuse, neglect, or exploitation occurring within the City of Gallup.

Police Officers responding to and investigating these types of crimes must continually commit themselves to complete the most comprehensive investigation they can with the resources and information which they have available. Police Officers must also collect all available physical and testimonial evidence using only those methods which will make this evidence readily acceptable for prosecution use.

NMSA 1978 section 32A-4-3 requires all sworn personnel to immediately report any suspected child abuse, neglect or those circumstances sworn personnel may encounter while in an off-duty capacity. Failure to report these crimes is a violation of Department policy as well as State law.

Police Officers must be aware that the abuse, neglect, or exploitation of facility residences must be reported to the Department of Human Services. When reporting to the Department of Human Services it is our responsibility to advise the Department of Human Services that the victim is not a child, however, is a victim, so that the proper Human Services protocol can be enacted.

Cases of child abuse or neglect stemming from traffic related cases need not follow the protocol set forth herein.

**DEFINITIONS:**

**CHILD**

A person who has not yet reached the age of majority.

**NEGLECT OF A CHILD**

Occurs when a child is without proper parental care and control or subsistence, education, medical or other care or control necessary for his well-being. The child is the victim of neglect when this lack of care comes about because of the faults or habits of his parents, guardian or custodian or their neglect or refusal, when able to do so, to provide for them. Specific guidelines for the application of charges stemming from child neglect cases can be found in NMSA 1978 Section 32A-4-2. Department personnel shall make themselves familiar with the State's guidelines.

**ABANDONMENT OF A CHILD**

Consists of a person knowingly, intentionally or negligently, and without justifiable cause, causing or permitting a child to be:

- (1) Placed in a situation that may endanger the child's life or health;
- (2) Tortured, cruelly confined or cruelly punished; or
- (3) Exposed to the inclemency of the weather.



Effective date: September 15, 2004

Specific guidelines for the application of charges stemming from child abuse cases can be found in NMSA 1978 Section 32A-4-2. Department personnel shall make themselves familiar with the State's guidelines.

#### **SEXUAL EXPLOITATION OF A CHILD**

This Department has adapted the definitions listed in NMSA 1978 Sections 30-6A-2. Department personnel shall make themselves familiar with the State's guidelines. For the purposes of this section, language pertaining to the investigation of "child abuse" cases will pertain also to the cases involving the sexual exploitation of a child.

#### **CARE FACILITY**

A "care facility" means a hospital, skilled nursing facility, intermediate care facility, care facility for the mentally retarded, psychiatric facility, rehabilitation facility, kidney disease treatment center, home health agency, ambulatory surgical or out-patient facility, home for the aged or disabled, group home, adult foster care home, private residence that provides personal care, sheltered care or nursing care for one or more persons, adult day care center, boarding home, adult residential shelter care home, and any other health or resident care related facility or home but does not include a care facility located at or performing services for any correctional facility. Specific guidelines for the application of charges stemming from resident abuse cases can be found in NMSA 1978 Section 30-47-2. Department personnel shall make themselves familiar with the State's guidelines.

#### **FACILITY RESIDENT**

Resident means any person who resides in a care facility or who receives treatment from a care facility. Specific guidelines for the application of charges stemming from resident abuse cases can be found in NMSA 1978 Section 30-47-2. Department personnel shall make themselves familiar with the State's guidelines.

#### **FIRST RESPONDER**

This is the first sworn Officer to arrive at the scene regardless of rank. Policy written under this heading applies to all personnel regardless of assignment.

#### **FIRST RESPONDING SUPERVISOR**

For the purpose of this section First Responding Supervisor will include only on-duty sworn supervisors.

#### **ON-CALL INVESTIGATOR**

The Investigator who responds to the scene.

#### **INVESTIGATIVE SUPERVISOR**

For the purposes of this section Investigative Supervisor will include the On-Call supervisor from the Criminal Investigations Division.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

**ON-CALL CRIMINALISTICS INVESTIGATOR**

The Criminalistics Investigator who responds to the scene.

**SHELL REPORT**

An Offense/Incident report containing minimal information. This report should indicate that the Officer was dispatched and that once confirmation that a crime was committed and that it occurred within the boundaries of City of Gallup that investigators were called to complete the investigation.

**RULES AND PROCEDURES:**

**322.01      METRO DISPATCH**

- A. Due to the sensitive nature of these investigations the Metro Dispatch center and sworn personnel shall avoid discussing details pertaining to these situations via radio whenever possible. Should the Department receive a report of an in progress crime, Metro Dispatch personnel and sworn personnel should communicate via radio in an effort to shorten response times and protect victims. Once the emergency situation is brought under control personnel should again avoid discussing details pertaining to the case via radio.

**322.02      FIRST RESPONDER**

- A. The first Officer to arrive will evaluate injuries and render aid as deemed necessary while attempting to avoid the destruction, or contamination of evidence.
- B. In the event that an Officer is dispatched on a Human Services Referral and the Criminal Investigations Division is not called upon for support that Officer will complete an Offense/Incident report.
- C. If the situation is handled by Field Services Bureau Officers without the assistance of personnel from the Criminal Investigations Division, the Officers will file a full and complete report prior to the end of their shift. In the event that any evidence is collected (including photographs), Officers must collect this evidence using only those methods which will make this evidence readily acceptable for prosecution use. Evidence must be tagged properly and placed in an evidence holding facility before the end of the Police Officers shift.
- D. If the Criminal Investigations Division does not respond, Officers will verify that the Department of Human Services has been contacted. If they have not, the Officer will contact them and file a referral with their agency.
- E. When an Officer, dispatched on a call for service, encounters an abuse, neglect or exploitation situation that will require law enforcement intervention which the Field Services Bureau cannot provide, they will request the presence of their supervisor at that location.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- F. In the event that the Criminal Investigations Division responds to the scene of any investigation, Field Services Bureau Personnel will complete a shell report with additional information being placed on supplemental report forms. A complete follow-up investigation will be conducted by the Criminal Investigations Division. The Field Services Bureau report will be turned over to the On-Call investigator at the time that he responds to the scene.
- G. Because Field Services Bureau personnel will not need to add detailed information to the shell report, Field Services Bureau personnel will not do extensive interviews with adult sexual assault victims. In depth interviews will be conducted by investigators at their discretion.
- H. Field Services Bureau personnel will not interview potential child victims under any circumstances. The necessary identification information pertaining to children should be obtained from an adult who is present, when possible.
- I. Field Services Bureau personnel shall not attempt to take statements or elicit confessions from potential offenders.
- J. Field Services Bureau personnel will not make arrests in abuse, neglect or exploitation cases without requesting the assistance of the Criminal Investigations Division On-Call investigator.
- K. The authority and responsibility to take children or adults into the protective custody of the State of New Mexico is placed with the responding law enforcement agency. Police Officers responding to situations in which the Department of Human Services request that a child or adult be placed in the State's custody shall request the presence of their supervisor at the scene prior to taking the child or adult into the State's custody. If the responding Officer believes that a child or adult should be placed in protective custody, this can be done even over the objection of the Department of Human Services; however, the Officer's supervisor must be called to the scene prior to this occurring.
- L. Children being transported to protective facilities will not be transported in the rear seat of a patrol vehicle equipped with a protective screen unless the child is violent and physically capable of harming the Officer. Children are not to be transported in the rear portion of a patrol vehicle equipped with a protective screen without the permission of the On-Call investigator responsible for the case.
- M. In the event that an investigator is called to the scene, the first responder will see to it that all of the responsibilities of a "First Responder" under the CRIME SCENE PROCESSING section of this manual are addressed.

322.03      **FIRST RESPONDING SUPERVISOR**

- A. Will respond to all requests for assistance from Field Services Bureau Officers.
- B. After receiving a briefing from the Officer, the supervisor will assess the situation and request any additional personnel needed.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- C. Field Services Bureau supervisors will not authorize arrests in abuse, neglect or exploitation cases without requesting the assistance of the Criminal Investigations Division On-Call investigator.
- D. The authority and responsibility to take children and adults into the protective custody of the State of New Mexico is placed with the responding law enforcement agency. Supervisors responding to situations in which the Department of Human Services request that a child or adult be placed in the State's custody shall request the presence of the On-Call investigator at the scene prior to taking the child or adult into the State's custody. If the responding supervisor believes that a child or adult should be placed in protective custody this can be done, even over the objection of the Department of Human Services, however, the On-Call investigator must be called to the scene prior to this occurring.
- E. Supervisors shall ensure that children being transported to protective facilities will not be transported in the rear seat of a patrol vehicle equipped with a protective screen unless the child is violent and physically capable of harming the Officer. Children are not to be transported in the rear portion of a patrol vehicle equipped with a protective screen without the permission of the On-Call investigator responsible for the case.
- F. In situations in which a report is filed but the Criminal Investigations Division does not respond, the supervisor will ensure that the Department of Human Services has been notified and that a copy of the Offense/Incident report is forwarded to the Criminal Investigations Division supervisor in charge of abuse, neglect and exploitation investigations.
- G. In the event that an Officer encounters an abuse, neglect or exploitation situation that will require law enforcement intervention beyond that which the Field Services Bureau can provide, the First Responding supervisor shall request that the On-Call investigator be called to the scene.
- H. In the event that an investigator is called to the scene, the First Responder Supervisor will see to it that all of the responsibilities of a "First Responding Supervisor" under the CRIME SCENE PROCESSING section of this manual are addressed.

322.04      ON-CALL INVESTIGATOR

- A. The On-Call investigator will respond to all requests for assistance pertaining to abuse, neglect or exploitation cases. Response will not be at the discretion of the investigator. The investigator will not attempt to assess a situation via telephone.
- B. The investigator will interview child victim(s) only after they have determined that the interview is absolutely necessary and that the interview will not interfere with later interviews or the prosecution process. If necessary, the investigator will schedule an emergency Safe House interview to ensure that statements are court acceptable.
- C. The investigator will schedule all subsequent child victim interviews to include non-emergency Safe House interviews.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- D. The investigator will determine if an arrest is warranted. In the event that an arrest is made, the investigator will ensure that both the arrest and interview process is completed in a manner that will enhance the prosecution of the case.
- E. All suspect interviews taking place in the Criminal Investigations Division facilities will be both audio and video taped. Field interviews of suspects will be audio taped.
- F. No individual suspect photos will be used for the purpose of identification. The investigator will prepare a photo array(s) to be used for identification purposes. All photo arrays shown will be accompanied by an approved photo array identification sheet. Once a photo array has been shown it will be tagged into evidence even if no identification was made from the array.
- G. The investigator will prepare all search warrants, motions to seal and orders to seal to be executed during the course of the investigation. The investigator will discuss the need for sealing search warrants which are prepared prior to a suspect's arrest with the District Attorney's Office. In the event that the District Attorney orders the warrants sealed, the detective will ensure that the search warrant affidavit is accompanied by both a motion to seal and an order to seal.
- H. Investigators will go over all evidence collected with reference to their investigation. Request for additional or specialized evidence examination must be made in writing to the Criminalistics Unit.
- I. The investigator will ensure that the case is completed in a timely manner and forwarded to the District Attorney's Office upon completion.
- J. In the event that an investigator is called to the scene, the On-Call Investigator will see to it that all of the responsibilities of an "On-Call Investigator" under the CRIME SCENE PROCESSING section of this manual are addressed.

**322.05**      **INVESTIGATIVE SUPERVISOR**

- A. The supervisor will provide the Metro Dispatch center with contact numbers for an On-Call investigator at all times.
- B. The supervisor will respond to any calls for assistance from the Field Services Bureau or the On-Call investigator.
- C. The supervisor will be available for consultation should the investigator need assistance. The investigator may consult with the supervisor via telephone or request their assistance at the scene if necessary.
- D. The supervisor will automatically respond to any situations involving a death.
- E. When responding to scenes, the supervisor will ensure that all available physical and testimonial evidence is collected using only those methods which will make this evidence readily acceptable for prosecution use.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- F. When responding to scenes, the supervisor will ensure that all suspect interviews taking place in the Criminal Investigations Division Facilities will be both audio and video taped. Field interviews of suspects will be audio taped.
- G. The supervisor will review and approve all search warrants to be executed during the course of the investigation. The supervisor will ensure that in the event the District Attorney orders a search warrant sealed, that proper motions to seal and orders to seal accompany the warrant.
- H. The supervisor will ensure that the case is completed in a timely manner and forwarded to the District Attorney's Office upon completion.
- I. In the event that an investigator is called to the scene, the Investigative Supervisor will see to it that all of the responsibilities of an "Investigative Supervisor" under the CRIME SCENE PROCESSING section of this manual are addressed.

322.06      ON-CALL CRIMINALISTICS INVESTIGATOR

- A. The Criminalistics Unit will respond to the scene of all abuse, neglect or exploitation investigation at the request of the case investigator or the on duty Field Services Bureau supervisor.
- B. The Criminalistics investigator will respond to the detention center to assist the case investigator if requested to do so.
- C. The Criminalistics investigator will respond to any medical facility which is holding evidence pertaining to the investigation. That evidence will be collected and processed using methods which will make the evidence readily acceptable for prosecution use.
- D. All evidence collected by Criminalistics personnel will be secured in an acceptable Department facility. All evidence not requiring additional examination and/or not posing a Bio-Hazard will be tagged into the Departments evidence room on the next regular business day. Evidence which needs additional examination will be handled as described below. Evidence which poses a Bio-Hazard problem will be handled in accordance with procedures acceptable to both the courts and Occupational Safety and Health Administration.
- E. All requests for evidence processing which will take place in the Criminalistics Unit must be completed within 5 days of receiving the request from the case investigator.
- F. Criminalistics investigators will prepare any evidence that must be examined by outside sources for shipping. Those items which require additional examination by outside sources must be either shipped or transported to the facility within 5 days of receiving the request from the case investigator. All methods of evidence handling and shipping must be completed in a manner which will make the evidence readily acceptable for prosecution use.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- G. Over the course of the investigation, Criminalistics investigators may be called upon to assist the case investigator in many ways to include crime scene examinations, warrant service, evidence examination or the preparation of evidence for shipping to a laboratory for additional examination. Supplemental reports from the Criminalistics personnel shall be completed and forwarded within 5 working days.
- H. In the event that an investigator is called to the scene, the On-Call Criminalistics Investigator will see to it that all of the responsibilities of an "On-Call Criminalistics Investigator" under the CRIME SCENE PROCESSING section of this manual are addressed.

Effective date: September 15, 2004

323.00

**VIOLENT CRIMES INVESTIGATIVE PROCEDURES**

The Department shall fully investigate all violent crimes occurring within the City of Gallup. These crimes include but are not limited to Aggravated Assaults, Aggravated Batteries, Robberies, Homicides, Adult Missing Persons Cases and Adult Sexual Assault Cases.

Police Officers responding to and investigating these types of crimes must continually commit themselves to complete the most comprehensive investigation they can with the resources and information which they have available. Police Officers must also collect all available physical and testimonial evidence using only those methods which will make this evidence readily acceptable for prosecution use.

**DEFINITIONS:**

**FIRST RESPONDER**

This is the first sworn Officer to arrive at the scene regardless of rank. The section written under this heading applies to all personnel regardless of assignment.

**FIRST RESPONDING SUPERVISOR**

For the purpose of this section First Responding Supervisor will include only on-duty sworn supervisors.

**ON-CALL INVESTIGATOR**

The investigator who responds to the scene.

**INVESTIGATIVE SUPERVISOR**

For the purposes of this section, Investigative Supervisor will include the On-Call supervisor from the Criminal Investigations Division.

**ON-CALL CRIMINALISTICS INVESTIGATOR**

The Criminalistics Investigator who responds to the scene.

**SHELL REPORT**

An Offense/Incident report containing minimal information. This report should indicate that the Officer was dispatched and that once confirmation that a crime was committed and that it occurred within the boundaries of City of Gallup, that investigators were called to complete the investigation.

**RULES AND PROCEDURES:**

**323.01      FIRST RESPONDER**

- A. The first Officer to arrive will evaluate injuries and render aid as deemed necessary while attempting to avoid the destruction, or contamination of evidence.

Effective date: September 15, 2004

- B. If the situation is handled by Field Services Bureau Officers without the assistance of personnel from the Criminal Investigations Division, the Officers will file a full and complete report prior to the end of their shift. In the event that any evidence is collected (including photographs), Officers must collect this evidence using only those methods which will make this evidence readily acceptable for prosecution. Evidence must also be tagged properly and placed in an evidence holding facility before the end of the Officers shift.
- C. In the event an Officer encounters a violent crime that will require law enforcement intervention beyond that which the Field Services Bureau can provide, the First Responding supervisor will request that the on-call investigator be called to that location.
- D. The first responder who is dispatched to a scene where a death has occurred will always request the presence of a Field Supervisor.
- E. When dispatched to the scene of an apparent or possible suicide the first responder will follow the protocol set down by the CRIME SCENE PROCESSING section of this manual.
- F. Field Services Bureau personnel will not interview potential child victims under any circumstances. The necessary identification information pertaining to children should be obtained from an adult present when possible.
- G. Field Services Bureau personnel shall not attempt to take statements or elicit confessions from potential offenders.
- H. In the event that the Criminal Investigations Division responds to the scene of any investigation, Field Services Bureau Personnel will complete a shell report with additional specific information being placed on supplemental report forms. The investigative report is to be completed by the Criminal Investigations Division. The Field Services Bureau reports will be turned over to the on-call investigator at the time that they respond to the scene.
- I. Field Services Bureau personnel will not need to add detailed information to the shell report. Field Services Bureau personnel will not do extensive interviews with adult sexual assault victims. In depth interviews will be conducted by investigators at their discretion.
- J. In the event that an investigator is called to the scene, the first responder will see to it that all of the responsibilities of a "First Responder" under the CRIME SCENE PROCESSING section of this manual are addressed.

**323.02      FIRST RESPONDING SUPERVISOR**

- A. Will respond to all requests for assistance from Field Services Bureau Officers.
- B. After receiving a briefing from the Officer, the supervisor will assess the situation and request any additional personnel needed.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- C. In the event an Officer encounters a violent crime that will require law enforcement intervention beyond that which the Field Services Bureau can provide, the First Responding supervisor will request that the On-Call Investigator be called to that location.
- D. The Field Services Bureau supervisor will request the assistance of the On-Call investigator for all suicides. The protocol described in the CRIME SCENE PROCESSING section of this manual will be followed.
- E. The on-duty Field Services Bureau supervisor will always respond to any scene involving a death. Unless that supervisor has compelling evidence that a death was natural in nature they will request that assistance of the On-Call investigator.
- F. Should the Field Services Bureau supervisor elect not to request the assistance of the On-Call investigator, they will be responsible for initiating efforts to contact the victim's next of kin, if notification has not been made. The Field Services Bureau supervisor will only authorize contact with the next of kin in situations where the identity of the deceased is certain. Should the identity of the deceased be uncertain, the Field Services Bureau supervisor will contact the On-Call investigator and request that they respond for further investigation.
- G. In the event that the victim of a violent crime is transported to a hospital for treatment, the supervisor will dispatch an Officer to the hospital to stand by with the victim for the purpose of taking emergency statements from and protecting evidence transported with the victim.
- H. First Responding supervisor will not interview potential child victims under any circumstances. The necessary identification information pertaining to children should be obtained from an adult present when possible.
- I. First Responding supervisors shall not attempt to take statements or elicit confessions from potential offenders.
- J. In situations in which a report is filed but the Criminal Investigations Division does not respond, the supervisor will ensure that a copy of the Offense/Incident report is forwarded to the Criminal Investigations Division supervisor.
- K. In the event that an investigator is called to the scene, the First Responding supervisor will see to it that all of the responsibilities of a "First Responding Supervisor" under the CRIME SCENE PROCESSING section of this manual are addressed.

323.03      ON-CALL INVESTIGATOR

- A. The On-Call investigator will respond to all requests for assistance pertaining to violent crimes cases. Response will not be at the discretion of the investigator. The investigator will not attempt to assess a situation via telephone.

Effective date: September 15, 2004

- B. The investigator will interview child victim(s) only after they have determined that the interview is absolutely necessary and that the interview will not interfere with later interviews or the prosecution process. If necessary the investigator will schedule an emergency Safe House interview to ensure that statements are court acceptable.
- C. The investigator will schedule all subsequent child victim interviews to include non-emergency Safe House interviews.
- D. All suspect interviews taking place in the Criminal Investigations Division facilities will be both audio and video taped. Field interviews of suspects will be audio taped.
- E. No individual suspect photos will be used for the purpose of identification. The investigator will prepare a photo array(s) to be used for identification purposes. All photo arrays shown will be accompanied by an approved photo array identification sheet. Once a photo array has been shown, it will be tagged into evidence even if no identification was made from the array.
- F. The investigator will prepare all search warrants, motions to seal and orders to seal to be executed during the course of the investigation. The investigator will discuss the need for sealing search warrants which are prepared prior to a suspect's arrest with the District Attorney's Office. In the event that the District Attorney orders the warrants sealed, the detective will ensure that the search warrant affidavit is accompanied by both a motion to seal and an order to seal.
- G. Investigators will go over all evidence collected with reference to their investigation. Request for additional or specialized evidence examination must be made in writing to the Criminalistics Unit.
- H. The investigators will ensure that the case is completed in a timely manner and forwarded to the District Attorney's Office upon completion.
- I. In the event that an investigator is called to the scene the On-Call Investigator will see to it that all of the responsibilities of an "On-Call Investigator" under the CRIME SCENE PROCESSING section of this manual are addressed.

**323.04 INVESTIGATIVE SUPERVISOR**

- A. The supervisor will provide the Metro Dispatch center with contact numbers for an On-Call investigator at all times.
- B. The supervisor will respond to any calls for assistance from the Field Services Bureau or the On-Call investigator.
- C. The supervisor will be available for consultation should the investigator need assistance. The investigator may consult with the supervisor via telephone or request their assistance at the scene if necessary.
- D. Should the investigator encounter problems the supervisor will ensure that the proper support personnel respond to assist the investigator, this includes the Criminalistics investigator, the Office of the Medical Investigator or the On-Call Assistant District Attorney when necessary.



Effective date: September 15, 2004

- E. The supervisor will automatically respond to any situations involving a death.
- F. The supervisor will review and approve all search warrants to be executed during the course of the investigation. The supervisor will ensure that in the event the District Attorney orders a search warrant sealed, that proper motions to seal and orders to seal accompany the warrant.
- G. The supervisor will ensure that the case is completed in a timely manner and forwarded to the District Attorney's Office upon completion.
- H. In the event that their supervisor is called to the scene they will see to it that all of the responsibilities of a "Criminal Investigations Supervisor" under the CRIME SCENE PROCESSING section of this manual are addressed.

323.05      ON-CALL CRIMINALISTICS INVESTIGATOR

- A. The On-Call Criminalistics Investigator will respond to the scene of all violent crimes investigations at the request of the case investigator.
- B. The Criminalistics investigator will respond to the detention center to assist the case investigator if requested to do so.
- C. The Criminalistics investigator will respond to any medical facility which is holding evidence pertaining to this investigation. That evidence will be collected and processed using methods which will make the evidence readily acceptable for prosecution use.
- D. All evidence collected by Criminalistics personnel will be secured in an acceptable Department facility. All evidence not requiring additional examination and/or not posing a Bio-Hazard will be tagged into the Departments evidence room on the next regular business day. Evidence which needs additional examination will be handled as described below. Evidence which poses a Bio-Hazard problem will be handled in accordance with procedures acceptable to both the courts and OSHA.
- E. All requests for evidence processing which will take place in the Criminalistics Unit must be completed within 5 days of receiving that request from the case investigator.
- F. Criminalistics investigators will prepare any evidence that must be examined by outside sources for shipping. Those items which require additional examination by outside sources must be either shipped or transported to that facility within 5 days of receiving the request from the case investigator. All methods of evidence handling and shipping must be completed in a manner which will make the evidence readily acceptable for prosecution use.
- G. Over the course of the investigation, Criminalistics investigators may be called upon to assist the case investigator in many ways to include crime scene examinations, warrant service, evidence examination or the preparation of evidence for shipping to a laboratory for additional examination. Supplemental reports from the Criminalistics personnel shall be completed and forwarded within 5 working days.

Effective date: September 15, 2004

- H. In the event that an investigator is called to the scene, the On-Call Criminalistics Investigator will see to it that all of the responsibilities of an "On-Call Criminalistics Investigator" under the CRIME SCENE PROCESSING section of this manual are addressed.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

324.00

**DEADLY FORCE INVESTIGATIONS**

The Department shall fully investigate all incidents in which citizens coming in contact with sworn personnel suffer severe injury or death. Personnel of the Department's Deadly Force Investigative Team are required to conduct complete investigations, making use of any physical evidence or witness statements which may be available to collect and preserve physical evidence pertaining to the incident being investigated. Deadly Force Investigative Team personnel are required to collect all physical and testimonial evidence in a manner which ensures that the evidence is useful for courtroom presentation.

The team will be responsible for the investigation of the use of force resulting in death or great bodily injury by Department personnel, with the exception of motor vehicle related incidents.

This team will also investigate the deaths of all persons who are in the custody of the Gallup Police Department at the time of their death, with the exception of motor vehicle related accidents.

The Chief of Police or his designee will be responsible for the formation of a Department "Deadly Force Team", which will be responsible for this type of investigation.

The following guidelines and responsibilities are hereby defined:

**DEFINITIONS:**

**FIRST RESPONDER**

This is the first sworn Officer to arrive at the scene regardless of rank. The section written under this heading applies to all personnel regardless of assignment.

**FIRST RESPONDING SUPERVISOR**

For the purpose of this section First Responding Supervisor will include only on-duty sworn supervisors.

**DEADLY FORCE INVESTIGATIVE TEAM**

The group of investigators assigned by the Chief of Police to investigate the uses of deadly force. These investigators will perform both the investigation and the Criminalistics functions as directed by the Deadly Force Team Supervisor.

**CRIMINALISTICS TEAM**

Those personnel of the investigative team assigned to perform Criminalistics work at the scene and during the investigation.

**DEADLY FORCE TEAM SUPERVISOR**

For the purposes of this section, Investigative Supervisor will include the supervisor appointed to this position by the Chief of Police or his designee.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

RULES AND PROCEDURES:

324.01      **FIRST RESPONDER**

- A. The first Officer to arrive will evaluate injuries and render aid as deemed necessary while attempting to avoid the destruction, or contamination of evidence.
- B. Will identify, detain and separate possible suspects and witnesses.
- C. Field Services Bureau Officers will identify the scope of the scene and then secure an area larger than the scope of the scene.
- D. Field Services Bureau Officers will not unnecessarily enter the perimeter of the crime scene; this section applies to all Field Services Bureau personnel regardless of rank or assignment.
- E. Will ensure that a crime scene log is initiated and maintained during the course of the investigation.
- F. Will not relay information pertaining to the investigation to witnesses or by-standers.
- G. Will remain on scene until relieved by the Deadly Force Team supervisor.
- H. All sworn personnel who are deemed as witnesses will be required to submit a detailed Offense/Incident report to the Deadly Force Team supervisor or investigators. These reports are to be completed and turned over to Team personnel prior to the end of the employee's shift, should they be on duty, or prior to their leaving the scene if they are in an off duty capacity.
- I. Any evidence collected prior to the arrival of Criminalistics will be properly documented and then turned over to Criminalistics personnel at the scene.

324.02      **FIRST RESPONDING SUPERVISOR**

- A. Will obtain a full and complete briefing of the circumstances pertaining to the incident. Any information obtained from the involved Officer(s) shall be taken only after Garrity warnings have been administered. Will then make certain that Garrity information taken from that briefing is not given to the criminal investigators assigned to work the investigation.
- B. Will also insure that all potential witnesses have been separated and secured and that a crime scene log is being maintained and that crime scene security is in place.
- C. Will confirm that the Department Command Staff, the Office of the Medical Investigator, and the District Attorney's Office have been contacted and informed. The supervisor will at this time begin a log indicating where Police Officers involved in this investigation are assigned and what their function is at that location.

Gallup Police Department

\* Rules and Regulations \*

Effective date: September 15, 2004

- D. Will advise concerned Officer(s) of their Right to Counsel throughout the entire criminal investigation.
- E. Will obtain the name of a companion Officer from the involved Officer(s) and attempt to have the companion Officer contacted.
  - 1. The companion Officer will be responsible to serve in a supportive role during the subsequent events; however, the chosen companion may be required to provide a statement to investigators.
  - 2. The companion Officer may be required to provide transportation for the involved sworn or non-sworn personnel as well as to make other arrangements as necessary.
  - 3. Police Officers involved in the incident cannot serve as companion Police Officers.
- F. Will ensure that involved sworn personnel maintain all clothing and equipment until retrieved by Criminalistics personnel.
- G. Will begin an area canvas to locate any suspects or possible witnesses. All witnesses or suspects will be held for identified and held separately until they are interviewed by the criminal investigators assigned.
- H. Will remain on the scene until relieved by the Criminal Investigations supervisor. The First Responding Supervisor may not relinquish control of the scene without conducting a full and complete briefing with the Criminal Investigations supervisor.

324.03

THE DEADLY FORCE INVESTIGATIVE TEAM

- A. Will conduct all interviews and statements as necessary.
- B. Will answer directly to the Deadly Force Team supervisor regardless of his current regular assignment.
- C. No individual suspect photos will be used for the purpose of identification. The investigator will prepare a photo array(s) to be used for identification purposes. An approved photo array identification sheet will accompany all photo arrays shown. Once a photo array has been shown it will be tagged into evidence even if no identification was made from the array.
- D. The investigator will prepare all search warrants, motions to seal and orders to seal to be executed during the course of the investigation. The investigator will discuss the need for sealing search warrants which are prepared prior to a suspect's arrest with the District Attorney's Office. In the event that the District Attorney orders the warrants sealed, the detective will ensure that the search warrant affidavit is accompanied by both a motion to seal and an order to seal.
- E. Investigators will go over all evidence collected with reference to their investigation. Request for additional or specialized evidence examination must be made in writing to the Criminalistics Unit.



Effective date: September 15, 2004

- F. Is responsible for all phases of the Criminal Investigation, with the exception of retrieving, processing, securing and collecting evidence.
- G. The investigator will ensure that the case is completed in a timely manner and forwarded to the District Attorney's Office upon completion.

324.04            **CRIMINALISTICS TEAM**

- A. Will work directly under the supervision of the Deadly Force Team supervisor.
- B. Entrance to the inner perimeter of the crime scene will be allowed only after the Criminalistics investigator has received a full and complete briefing from the Deadly Force Team supervisor. All personnel of the Deadly Force Team are to be present for the initial briefing.
- C. Criminalistics personnel will then enter the crime scene and videotape it in its entirety. Once the videotape is completed the Criminalistics unit will withdraw from the scene and review the tape with the lead investigator. At this time, the lead investigator will indicate any special investigative procedures they wish to have undertaken. In the event that a videotape cannot be reviewed on the scene, the lead investigator will accompany the Criminalistics investigator on his initial walk through in order to point out special procedures they wish to have performed.
- D. Because access to the scene itself is restricted, this crime scene video will also be made available to the Internal Affairs Unit, the Department Command Staff and the Departments Public Information Officer. If for technical reasons a video is not available the lead investigator will brief the above listed personnel after completing the initial crime scene inspection so that the listed personnel can complete their assigned duties.
- E. After the completion of the initial crime scene investigation by the Criminalistics Unit, a Deadly Force Team debriefing will take place. Once this debriefing is completed the following parties may have access to the inner perimeter at the discretion of the Deadly Force Team supervisor:
  - 1. Deadly Force Team personnel.
  - 2. Internal Affairs personnel.
  - 3. District Attorney's personnel.
  - 4. Special investigative resources requested by the Team supervisor.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- F. The Criminalistics Unit will have immediate access to involved personnel for the purpose of collecting trace evidence. In instances involving the use of a firearm the Criminalistics Unit will perform a primer residue test on the involved personnel and will collect the sworn personnel's firearm and leather gear once they arrive at the Criminal Investigations Division. The Criminalistics unit will collect all items of clothing which have trace evidence present on them.

324.05 DEADLY FORCE TEAM SUPERVISOR

- A. The Deadly Force Team supervisor will not accept control of the scene until he has received a full and complete briefing from the Field Services Bureau supervisor, to include the identity of Officers involved in the investigation and their current assignments and status.
- B. After accepting the scene from the First Responding Supervisor the Deadly Force Team supervisor will be responsible for the overall coordination of the investigation.
- C. Will direct the transportation of witnesses and suspects to include the involved Officer(s) to the Criminal Investigations Division for interviews and/or statements. Transportation arrangements will be made as expeditiously as is reasonably possible.
- D. Will keep all concerned personnel appraised of the investigation's status and will schedule a complete debriefing with the Chief of Police's staff within 24 hours of the event and will schedule a debriefing with other involved agencies within 7 - 10 working days.
- E. Will act as the liaison between outside agencies (i.e. District Attorney's Office, FBI, McKinley County Sheriff's Department, etc) and the New Mexico State Police Department.
- F. Will act as the liaison with the Departments Internal Affairs unit.
- G. Will review any and all information intended for release to the news media, along with the involved Bureau Commander, the Chief of Police or his selected appointee, and the Public Information Officer prior to the release of the information to the media. All information intended for media release must go through this process.
- H. Will have the authority to assign additional personnel, as he deems necessary.
- I. Will ensure that the case is completed, in a timely manner and submitted to the District Attorney's Office for review.
- J. Will be responsible for seeing that Officer(s) surrendering their firearms for evidential purposes have replacement weapons provided to them immediately upon the collection of the involved weapons and that replacement leather gear and ammunition is also provided at the time. Any other Department issued equipment that is surrendered to the Deadly Force Investigative Team will be replaced as soon as available.

Effective date: September 15, 2004

324.06            **INTERNAL AFFAIRS UNIT**

- A. Will monitor the investigative process to assure that only proper investigative techniques are used.
- B. Will complete the Chief of Police's Administrative investigation per the guidelines set down in the Internal Affairs section of this manual.

324.07            **INTERVIEWS AND STATEMENTS**

- A. The Officer(s) involved will be advised of their Miranda Warnings prior to the Deadly Force Teams request for a formal statement.
- B. If the involved Officer(s) do not wish to waive their Constitutional Right to silence the interview will immediately cease.
- C. If the Officer(s) involved request an attorney, one will be provided prior to questioning.
- D. The involved Officer(s) will not be required to submit any form of written report or documentation as to the events under investigation should they choose not to.
- E. Initial interviews will be conducted in private; however, members of the District Attorney's Office, the Internal Affairs Unit, and OMI will be able to monitor any and all questioning. These interviews will be documented with the use of both audio and video recording devices.
- F. The Deadly Force Team supervisor will select the personnel who conduct the interview.
- G. If possible, civilian witnesses, along with Department personnel who are witnesses, will be interviewed prior to the Officer(s) directly involved in the incident (Note: this does not limit the Deadly Force Team supervisor/ investigator from interviewing the Officer(s) directly involved in the incident, prior to the interviewing of any witnesses).
- H. The involved Officer(s) may at this point request to consult with the Department Psychologist or any attorney.
- I. The Department's Internal Affairs representative will schedule an interview for the involved Officer(s). This interview will take place as soon as is practical. The Internal Affairs interview will be taken following that unit's interview guidelines.

324.08            **ADMINISTRATIVE LEAVE**

- A. Any Officer(s) involved will be allowed a minimum of three days Administrative Leave; however, a longer period can be granted if the situation warrants it. The Bureau Commander or higher authority must authorize this request.
- B. Administrative Leave can also be applicable to non-sworn personnel if a supervisor requests it.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

325.00

UNDERCOVER LICENSE/IDENTIFICATION

The Department shall provide undercover credentials to personnel in accordance with their current assignment.

RULES AND PROCEDURES:

325.01      LICENSE AND IDENTIFICATION

- A. No Officer or employee may apply for, or possess any: drivers license, official identification card, license plate, vehicle registration/title, social security card, credit card, etc., for use as part of his official duties without the express written permission of the Chief of Police.
- B. The Commanders of the Criminal Investigations Division or Narcotics Unit shall receive all requests for undercover credentials (as outlined in this manual), and shall review the same, and be responsible for the following:
  1. Compliance with current guidelines and forms of the issuing agency/company shall be ensured.
  2. Determination of need.
  3. Recapture of the items(s) of identification when an expiration date is reached and/or need no longer exists.
  4. Obtaining necessary signature(s) on applications.
  5. Maintenance of records of issuance/application for a period of time to be assigned by the Chief of Police.
- C. Undercover credentials may only be used during the actual operations of an undercover assignment.
- D. Use for the avoidance of consequences resulting from traffic violations or similar incidents is strictly prohibited.
- E. Loss or seizure of undercover credentials shall be reported to the Commander of the Criminal Investigations Division, or Narcotics Unit in writing, immediately, but in no event more than (12) twelve hours after discovery of the loss, or the time of seizure.
- F. Undercover credentials will be considered Department property, and shall be surrendered to the Criminal Investigations Commander, or Narcotics Unit Commander upon request.

Effective date: September 15, 2004

326.00

**CHILD ABDUCTION**

The Department shall respond in a timely manner to the report of a missing child. Will conduct a thorough investigation, including the use of all appropriate and available resources.

**DEFINITIONS:**

**MISSING CHILD**

A missing child is considered any person younger than 18 years of age, and whose whereabouts are unknown to a parent, guardian, or responsible party.

**UNUSUAL CIRCUMSTANCES**

- Thirteen years of age or younger
- Mentally diminished
- Drug dependant, Prescription and/or illicit substances.
- Potential victim of foul play or sexual exploitation
- Any life-threatening situation. (Nearby truck stops, highway, etc.)
- Absent from the home for more than 24 hours before being reported to a law enforcement agency as missing.
- Believed to be with adults who could endanger his or her welfare.
- Absent under circumstances inconsistent with established patterns of behavior.

**ADDITIONAL RESOURCES**

- National Center for Missing and Exploited Children
- McKinley County Sheriff's Department K-9 Unit
- New Mexico State Police
- Federal Bureau of Investigations

**RULES AND PROCEDURES:**

326.01      **RESPONSE TO ABDUCTED CHILDREN CALLS/FIRST RESPONDER  
RESPONSIBILITIES**

**A. Police Officers shall:**

1. Respond promptly to the scene.
2. Interview the parents/guardian, or person(s) making the report.
3. Complete a thorough search of the immediate area including the home,
4. Vehicles, outbuildings, swimming pools, etc.
5. Obtain a detailed description and current photograph of the child.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

6. Advise Metro Dispatch of information collected, including the last known location and request a City-wide broadcast of this information.
7. Request additional resources if needed, to secure any potential crime scenes or protect possible evidence.
8. Conduct interviews with potential witnesses at the scene, including children.
9. Assure that the on-scene supervisor is consistently updated on new or changing information.
10. All interviews will be tape recorded and tagged into evidence.

**326.02 SUPERVISOR RESONSIBILITIES**

**A. Field Supervisors shall:**

1. Obtain a briefing from the initial Officer.
2. Determine if additional personnel and resources are needed.
3. Organize and coordinate an immediate search of the missing child's home (consent search or warrant) and the area surrounding the missing child's home and/or place where the child was last seen.
4. Assign an Officer as a liaison to the child's family.
5. Establish a Command Post location (can be the supervisors vehicle).
6. Contact the Criminal Investigations Division Supervisor and brief them on the incident.
7. Notify the Public Information Officer.
8. Provide the information to N.C.I.C. for entry.

**B. Criminal Investigations Division Supervisor shall:**

1. Determine the current level of response and coordinate with the field supervisor
2. Assume the responsibility for command post operations.
3. Request additional resources as needed.
4. Brief Bureau Commander on current status of investigation.

**326.03 METRO DISPATCH RESPONSIBILITIES**

**A. The Metro Dispatch Equipment Operator shall:**

1. Determine if circumstances of the report meet the definition of a missing child as set forth under the "definitions" section.
2. Immediately dispatch an Officer to the scene of the report.

Effective date: September 15, 2004

3. Immediately dispatch a field supervisor.
4. Transmit the appropriate radio alerts and other notifications, and update the initial information as updated information is received.
5. Search radio/dispatch records for related information, and relay this information to the responding Officer and/or field supervisor.
6. Safeguard all pertinent records, such as handwritten notes and dispatch logs.
7. Ensure that relieving dispatch personnel are fully briefed, and have possession of pertinent records when taking over the dispatch responsibilities.

#### ABDUCTION ALERT PLAN

The Abduction Alert Plan is designed to help locate missing children believed to be abducted. The program is a cooperative public service effort between local law enforcement, news media outlets, and the public.

#### RULES AND PROCEDURES:

##### 326.04      RESPONSE GUIDELINES

- A. Field Services Bureau Officers will gather and assess pertinent information at the scene of a reported child abduction. This information will be confirmed and the on-scene supervisor and the Criminal Investigations Division Supervisor will be briefed and determine if the "ABDUCTION ALERT" criteria have been met. The Abduction Alert Checklist should be completed by field personnel to assist them in determining if an Abduction Alert is warranted.
- B. The criteria for the alert to be made is the following:
  1. The child is fifteen (15) years of age or younger, or with a proven mental or physical disability.
  2. The department believes the missing child has been abducted and is in danger of serious bodily harm or death.
  3. The department has conducted an investigation that has verified the abduction or ruled out alternative explanations.
  4. Sufficient information is available to disseminated to the public that could assist in locating the child, suspect, or suspect's vehicle.

Effective date: September 15, 2004

- C. If the criteria are met, the Criminal Investigations Division Supervisor will complete the "Child Abduction Notification" sheet and make contact with the "Emergency Alert System" representative. The representatives for dissemination of "English" will be KKOB and the control room can be reached at 767-6770 or 767-9189. The broadcast control room is manned 24 hours a day. The representatives for dissemination of "Spanish" will be KABQ and the control room may be reached at 254-1350. A copy of the sheet will be faxed to the representatives. The information from this sheet will also be given for the "EAS" recording. The information will then be forwarded to all participating media outlets.
- D. The listed media representatives will maintain a verification sheet identifying the authorized department personnel who may initiate an Abduction Alert. This list will be distributed to the appropriate "EAS" representatives annually by the Headquarters Section. The list will contain the names and last four numbers of the authorized personnel social security number. If the authorization cannot be verified, the alert WILL NOT be made.
- E. The Criminal Investigations Division Supervisor will make notification to the Metro Dispatch center of the information and ensure it is disseminated to all local law enforcement agencies.
- F. The Criminal Investigations Division Supervisor will ensure there are appropriate resources in the Metro Dispatch center to handle all incoming information. If additional resources are needed, the supervisor will make the needed manning additions.
- G. All information received will be given a priority response and will be handled as a Priority-1 response by responding units.
- H. The Criminal Investigations Division Supervisor will consult with the Criminal Investigations Division Commander on when the alert should be cancelled. The "EAS" representative will be notified of the cancellation as well as all local law enforcement agencies. Any updated information will be given to the local law enforcement agencies at that time.

**326.05      MEDIA RESPONSIBILITIES**

- A. The designated "EAS" representative will receive the faxed notification form and also record the statement from the appropriate law enforcement representative.
- B. Upon receiving the information from the appropriate source, will initiate the "EAS" system and broadcast the "Abduction Alert" information as soon as possible.
- C. Television stations will begin "crawlers" at the bottom of the television screens to disseminate information as soon as practical.
- D. Utilize alert information on all regularly scheduled news broadcasts.
- E. The approximate duration of the alert being broadcast is four (4) hours, although if there is current, viable, information being received, this may be extended by the law enforcement agency in charge of the investigation.

Gallup Police Department  
\* Rules and Regulations \*

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Effective date: September 15, 2004

- F. All updated information that will effect the location of the abducted child will be sent via fax to the "EAS" representative on an "Abduction Alert Notification Sheet".
- G. The "EAS" representative will verify the law enforcement personnel making the abduction alert request, by matching the name and last four numbers of their social security number to the verification list provided by the participating law enforcement agency. The verification will be made prior to making an Abduction Alert broadcast.

Effective date: September 15, 2004

327.00

HOSTAGE SITUATIONS

It is the primary objective of the Gallup Police Department, in all hostage situations, is to preserve life and effect the arrest of the suspect.

RULES AND PROCEDURES:

327.01      FIRST RESPONDER

- A. The first officer at the scene will notify the dispatcher that a hostage situation exists. If possible, the officer should not take action until a supervisor arrives.
- B. Upon the receipt of notification of a hostage situation, the dispatcher will notify the on-duty commander and the Chief of Police.
- C. The initial officer at the scene may, if possible:
  - 1. Contain the suspect(s) and hostage(s) at the initial scene.
  - 2. Evacuate the area and establish a perimeter.
  - 3. If necessary, negotiate with the suspect(s).
- D. The initial officer should obtain as much information as possible including, but not limited to, the following:
  - 1. Who called, who is involved and time of occurrence.
  - 2. History, including all facts on suspect and hostage.
  - 3. Weapons, injuries, deaths, type and number.
  - 4. Location of observation points and persons involved.
  - 5. Floor plan of location.
  - 6. What has occurred so far: deadlines, interviews, releases or captures, etc.
- E. Officer should not exchange places with hostages nor should they surrender their weapons.

327.02      SCENE COMMAND

- A. The Field Supervisor will retain command until the arrival of high authority.



Gallup Police Department

\* Rules and Regulations \*

Effective date: September 15, 2004

B. The commander or Chief will assume control on arrival and will:

1. Request needed manpower.
2. Establish a command post for safety and observations.
3. Establish a perimeter which will exclude person, including police officers, not needed.
4. Only the situation commander may authorize entry.
5. Necessary liaison will be established with all agencies concerned, as soon as possible.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

**328.00**

**FINANCIAL INSTITUTION HOLD-UP ALARM**

The intent of these procedures is to provide as much safety as possible to officers and civilians during a financial institution hold-up alarm.

**RULES AND PROCEDURES:**

**328.01      RADIO DISPATCHER RESPONSIBILITIES**

- A. Upon notification of a hold-up alarm, the radio dispatcher will: Sound the alert tone. Immediately dispatch a primary and a minimum of one secondary unit (some institutions may require three or more responding units).
- B. The dispatcher will then attempt to contact the institution to determine the legitimacy of the alarm by calling the institution by phone, and contacting the owner/manager.
- C. In the event of a false alarm Metro Dispatch will:
  - 1. Advise responding officer.
  - 2. Obtain identification from employee and advising the employee to meet the officer outside of the building.
  - 3. Advise the responding officer of the description of the employee, who will be meeting with the officer.
- D. In the event of a hold-up alarm in progress:
  - 1. Advise responding officers of the possibility that it is in actual hold-up.
  - 2. Attempt to maintain phone contact with institution and relay information to responding units.
  - 3. Dispatch additional officers as directed by field supervisor.

**328.02      RESPONDING OFFICER'S RESPONSIBILITIES**

- A. Advise dispatcher of your location immediately.
- B. Respond as quickly and safely as possible, slowing down before arrival to avoid making your presence known. Avoid use of siren when at all possible.
- C. Use proper access street for safe and invisible approach.
- D. The first unit to arrive at the scene will be the "primary unit, which will be in charge until relieved by a supervisor or investigating personnel, if it is a hostage situation. All other units will be considered secondary or back-up units.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- E. Practice "invisible" deployment upon arrival. Take safe positions to avoid cross fire. Remain in position (invisible deployment) until advised by radio of status of alarm.
- F. In the event of being advised by the dispatcher that a hold-up is not in progress, the responding officer(s) will:
  - 1. Remain in position and obtain identification of key bank employee who will exit bank to verify status.
  - 2. Continue to consider alarm valid until proper identification is made by bank employee.
  - 3. After all safety precautions have been taken, check the inside of the bank with the key employee to your satisfaction before returning to service.

328.03 IN PROGRESS ROBBERY PROCEDURES

- A. In the event of actual alarm:
  - 1. Maintain "invisible" deployment until the offender(s) leave the bank. In no case will an officer enter the bank until it is determined that all offender(s) have left the scene.
  - 2. Request additional units as needed to secure perimeter and evacuate civilians.
  - 3. If a hostage situation develops, the Chief will be called and the ranking officer at the scene will handle the situation. Refer to Section 327.00, Hostage Situations for officer responsibilities.
  - 4. If offender(s) has left, following identification of key bank employees and all necessary safeguards taken, personnel may enter and secure the scene.
- B. Officer from other districts and Divisions in the area will advise radio and responding officers of their presence and status, i.e., in uniform, marked car, off duty, plain clothes, etc. Be sure to provide all responding officers with your physical description in case you are in plain clothes or in an unmarked unit. Random units or units not dispatched will not respond unannounced.
- C. Unmarked vehicles and plainclothes officers are not to man interior perimeter positions. Once marked units are available all plainclothes personnel are to be removed back to exterior perimeter positions.
- D. An off-duty officer in bank/close proximity will take no arrest action unless immediate life threatening conditions exist. BE A GOOD WITNESS.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

329.00

DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL/DRUGS

The Gallup Police Department will work diligently to enforce traffic laws pertaining to the consumption of alcohol or drugs and the subsequent operation or control of a motor vehicle.

DEFINITIONS:

**Traffic Stop**

The detainment of a driver and their vehicle after reasonable suspicion violations of law have been observed by the officer.

RULES AND PROCEDURES:

329.01     VEHICLE STOPS

- A. After initiating a traffic stop and observing a driver suspected of being under the influence of alcohol or drugs, the police officer if conditions permit, shall request the driver to perform the Standardized Field Sobriety Tests. If the field sobriety tests cannot be performed or the driver refuses to perform the field sobriety tests, it will be noted and the alcohol symptoms (odor of alcohol, slurred speech, bloodshot or watery eyes, impaired balance and admissions, etc.) will be noted in the report. If probable cause is determined, the suspect or driver will be placed under arrest for driving while under the influence of alcohol or drugs.
- B. The suspect or driver will then be transported to the Department of Public Safety or the McKinley/Gallup Adult Detention Center and a chemical test will be conducted and/or a refusal for such test will be noted and the suspect or driver, if evidence merits, will be booked.
- C. If the suspect or driver is under the age of 18, the suspect or driver will be transported to the New Mexico State Police Office and a chemical test will be conducted and/or a refusal for such test will be noted and the suspect or driver, if evidence merits, will be booked.
- D. The driver arrested for Driving While under the Influence of Alcohol or Drugs will not be charged with Reckless or Careless Driving as a matter of routine unless the elements of such are present.
- E. The State Of New Mexico Uniform D.W.I./D.U.I. citation will be filled out completely

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

329.02      **ACCIDENTS**

- A. The On-Call Traffic Investigator(s) will be contacted as soon as the police officer knows there is great bodily injury or death involved in this crash.
- B. Officers investigating accidents, in which a victim has either sustained great bodily harm or has died, will contact the On-Call Assistant District Attorney and advise them of the situation. After consultation with the On-Call Assistant District Attorney the officer will proceed under the direction of the On-Call Assistant District Attorney. If the On-Call District Attorney directs that an arrest be made the suspect or driver will be arrested in accordance with their direction.
- C. Arrests will occur prior to the administration of any chemical test. The suspect or driver then will be administered the New Mexico Implied Consent Act. 66-8-107. Because of the Felony status of this offense, the officer will choose to request a blood sample. An unconscious suspect or driver is deemed not to have withdrawn his consent for the withdrawal of a blood sample.
- D. In cases involving great bodily harm the officer shall work diligently to determined the degree of injury or injuries that the party or parties has received.
- E. In cases involving death the officer shall work diligently to identify the victim and to make contact with the next of kin. In all events the next of kin should be notified in person by either a Gallup Police Department officer, or an officer from the jurisdiction in which the person being notified resides.
- F. Officers shall document the name, address, work address, telephone number and a statement of each witness to the crash and the events leading up to the crash.

329.03      **IMPLIED CONSENT LAW**

- A. The current Implied Consent Warning shall be read to all suspects or drivers prior to administering the chemical test.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

- B. Suspects or drivers may be asked to submit to blood testing for alcohol or drug content under the implied consent laws. Arrangements for contacting the appropriate medical personnel, for the purpose of extracting blood, should be conducted through Metro Dispatch. An Approved State of New Mexico Scientific Laboratory Division (SLD) blood kits are available through a Patrol Supervisor, storage locker or when necessary a DWI/DUI Traffic Unit.
- C. If the driver refuses upon request of the police officer to submit to the chemical tests as provided for by the law, none shall be administered except in accordance with a search warrant.
- D. Investigating officers shall immediately seek a search warrant for blood samples, in the event of a refusal, in cases where death or likelihood of death are caused, or when probable cause exists to believe that the suspect or driver committed a Felony while under the influence of alcohol or a controlled substance.
- E. If a search warrant is necessary; the investigating officer will contact his immediate supervisor or DWI/DUI Traffic officer for the preparation of the search warrant for the withdrawal of a blood sample from the suspect. Under no circumstances will the suspect be released to anyone until the blood has been obtained.
- F. In the event that a search warrant cannot be obtained, the police officer will document the reasons why and will operate pursuant to 66-8-111.
- G. Suspects or drivers must be under arrest before any test is required. This standard also applied to suspects or drivers who are unconscious.

329.04 THE IMPLIED CONSENT ACT

- A. The New Mexico Implied Consent Act will be read from an approved, current, issued card.
- B. Current court acceptable language should be utilized when administering the instruction for the implied consent act.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

329.05 COMPLIANT DRIVER TESTING PROCEDURES

- A. If the suspect consents to the breath test, it will be administered by an police officer trained and certified to operate the breath alcohol instrument.
- B. The police officer administering the breath test will administer the test in accordance with the procedure established for operation of the instrument.
- C. Prior to the breath test being performed, the police officer administering the test will conduct a 20-minute deprivation period with the driver or suspect and which the police officer will be continuously present for. During this period, the police officer will make sure that the driver or suspect does not eat, drink or smoke anything.
- D. Upon completion of the test, the operator will print four (4) copies of the Breath Alcohol Test Results. Disposition of the copies is as follows:
  - 1. A copy will be kept by the arresting officer as part of his report.
  - 2. A copy is to be filed with the DWI/IDUI citation.
  - 3. A copy to be forwarded to the Municipal Court Clerk or the Magistrate Court Clerk.
  - 4. A copy is to be turned over to the suspect.
- E. If drug use is suspected, the officer should make requests for the proper screening on the SLD form. If Possible, the nature of the suspected drug should be listed on the SLD form.

329.06 TEST REFUSALS

- A. If the suspect refuses to consent to a blood test, he must be advised of the refusal consequences from the approved Implied Consent card.
- B. If the police officer suspects a violation of 66-8-101, the police officer will impound the vehicle.
- C. If the suspect or driver refuses to take a blood or breath alcohol content test, the police officer will complete the DWI?DUI citation by writing "refused" in the space for BAC concentration.

Effective date: November 15, 2004

329.07 INJURED OR INCAPITATED PERSONS

- A. The following procedures will be followed if the arrestee is injured or incapacitated to such a extent that the breath test cannot be administered:
1. A blood test will be administered by a qualified blood technician.
  2. If the suspect is conscious, he will be advised of the Implied Consent.
  3. The doctor or physician who is treating the suspect will be consulted prior to the blood test. The doctor or physician must give his permission for the test to avoid aggravation of the suspect's condition.
  4. A search warrant is not necessary for a suspect who is unconscious or injured to the extent they cannot understand or respond to the Implied Consent.

329.08 BLOOD DRAW PROCEDURES

- A. If the suspect submits to a blood test or if the police officer is obtaining a blood test by search warrant. The police officer will follow the procedures set forth in 66-8-103, the New Mexico Implied Consent Act and the proper blood draw form.
- B. The police officer shall be present during all aspects of the procedure, from blood drawn to sealing the vials of blood in the approved blood kit. The blood kit will also be sealed in front of the suspect.
- C. The police officer will make sure all the blocks needed to be filled out on the blood draw form; will be filled out by the police officer and the blood technician who drew the blood, before sealing the form in the blood kit.
- D. If the blood sample is being obtained via a search warrant, a copy of the search warrant will be served to the suspect before obtaining the blood sample. A copy of the search warrant will also be given to the hospital or medical facility that is drawing the blood sample.
- E. Once the blood kit has been sealed by the police officer, he or she will log the blood kit into evidence as soon as possible, so the blood kit can be sent off to the State of New Mexico Scientific Laboratory

Gallup Police Department  
\* Rules and Regulations \*

Effective date: November 15, 2004

Division to have the vials of blood tested.

- F. The Notice of Revocation portion of the DWI/DUI citation will not be given to the suspect or driver until the results of his blood draw have been received at the police department. At which time, the police officer will annotate the results on the Notice of Revocation and then send the violator copy to the suspect.
- G. All police officers will also make sure that the blood kit they are using is not past its expiration date.

329.09      DWI UNIT RESPONSE

- A. If a DWI/DUI Unit is requested at a police officers location to assist with an arrest, the following procedures should be observed.
  - 1. The traffic stop must be a just reasonable suspicion traffic stop and a supplement report will be written by the requesting police officer, stating the reasons for the traffic stop.
  - 2. The requesting police officer has not conducted or completed any field sobriety tests of his own.
  - 3. The requesting police officer will advise the DWI/DUI officer of everything that police officer had observed.
  - 4. The requesting police officer will also stand by with the DWI/DUI officer until the suspect has been arrested and secured in a police unit, unless an emergency dictates that this police officer must respond to other calls for service.
  - 5. The requesting officer should not place the suspect under arrest for Driving While under the Influence of Alcohol or Drugs.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: May 1, 2007

330.00

K-9 UNIT

The Department shall maintain a well-trained and organized K-9 Unit to assist regular Police Officers in performing their duties, and to assist other specialized units of the Police Department as necessary.

RULES AND PROCEDURES:

330.01      PERSONNEL

- A. The Department may designate one or more sworn personnel as K-9 handlers as Department needs dictate. Those sworn personnel who are chosen for this specialized unit will be provided the appropriate training and facilities for use during their assignment, in addition to time and resources for the care and maintenance of their K-9's.
- B. The K-9 Unit will managed by the Field Services Commander and will consist of police officers and a unit supervisor
- C. The K-9 Unit supervisor will oversee the operations of the unit and will fall under the Field Services Bureau chain-of-command.
- D. Duties of the K-9 Unit supervisor:
  - 1. Determine shift assignments and duty hours of his/her personnel to ensure maximum support to the Department with minimum use of overtime.
  - 2. Supervision of K-9 Teams when on-duty and available.
  - 3. Coordinate training for each K-9 Team.
  - 4. Ensure that each K-9 Team meets and maintains the minimum standards set by state or Department regulations.
  - 5. Ensure that proper records are kept on K-9 training and medical needs.
  - 6. Inspect all issued K-9 equipment on a regular basis.
  - 7. Order food rations and required K-9 equipment.
  - 8. Coordinate K-9 medical care through the Department contract Veterinarian.
  - 9. Coordinate community demonstrations.
  - 10. Assist in the training of other agencies' K-9 Units upon approval of the Chief of Police.
  - 11. Coordinate other agency requests for GPD K-9 Unit assistance.
- E. In the absence of the K-9 Unit supervisor, the K-9 Team will operate under the supervision of the Field Services Bureau Commander. If assigned to a special assignment, the K-9 Team will operate under the supervision of the supervisor requesting the assistance.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: May 1, 2007

330.02 K-9 HANDLER RESPONSIBILITIES

- A. Daily maintenance and cleaning of the yard and area where the k-9 is housed.
- B. Provisions of K-9 food, water and general diet maintenance.
- C. Grooming as often as required by weather, working conditions, or other factors, and daily exercise.
- D. General medical attention and maintenance of health care records. K-9s shall receive a veterinary examination semi-annually; at which time all necessary immunizations will be obtained.
- E. Each K-9 handler will be given three hours per week for maintenance of the K-9, associated equipment, and veterinary visits.
- F. All veterinary bills, K-9 certifications fees, K-9 feed and hygiene expenses/billing shall be forwarded to the Deputy Chief.
- G. K-9 handlers are expected to maintain the assigned K-9 at their residence, and will make arrangements through the supervisor for care of the K-9 in the event that they will be away from their residence for an extended period of time.

330.03 EQUIPMENT

- A. All K-9 handlers will be issued the following equipment for use in handling/housing their dogs.
  - 1- muzzle
  - 1-six foot lead
  - 1-heavy metal choke chain
  - 1-leather tracking harness 1 30 foot web tracking lead
  - 1-30 foot web tracking lead
  - 1- dog house
  - 1- 6 foot X 12 foot dog kennel
  - 1- 6 foot X 12 foot concrete slab for the dog kennel
  - K-9 police badge
  - 2- dog feed bowls
  - 1- non spill dog water bowl
  - K-9 training toys
  - 1- exposed bite sleeve
- B. K-9 training equipment to be provided and replaced by the department:
  - 1- police package bite suit with carry bag
  - 1- agitation harness 1- electronic collar
  - 1- narcotic cans for housing narcotics

**Note:** This will not limit the need or uses of other training equipment that is or will become available.

Effective date: May 1, 2007

330.04      K-9 DEPLOYMENT/CRITERIA

- A. General Areas of deployment:
  - 1. Narcotics detection, Suspect apprehension, Explosive ordinance detection.
  - 2. A K-9 Team may be called in any situation where an Officer can articulate a reasonable suspicion concerning the presence of narcotics, explosives, or suspects that are resisting arrest.
- B. As a general rule, K-9 Teams should not be assigned as a primary unit on report calls unless authorized/requested by the Unit Supervisor.
- C. K-9 Teams will not transport prisoners due to lack of proper space in which to place the prisoner and potential injury from the K-9.
- D. Tactical use and application of the K-9 Team shall be at the discretion of the handler, using their assigned K-9 when feasible.
- E. An evaluation for the need of a K-9 Team will be made by the initial responding Officer and/or Watch Supervisor. If a K-9 Team is called, it will be the responsibility of the initial Officer to establish a perimeter of the crime scene area and protect the scene unless precluded by the need for medical assistance, immediate apprehension or other exigent circumstances.
- F. Prior to the initiation of a building or area search, the handler will determine the need for and brief any Law Enforcement personnel that will enter the searched area with him.
- G. Searches may be conducted on or off lead at the discretion of and within the immediate vicinity of the handler. The handler must be able to maintain control of his K-9 while off lead.
- H. If someone is injured due to a K-9 Deployment, the following procedures will be followed:
  - 1. The injured person will be afforded medical treatment as soon as possible.
  - 2. The on-duty Watch Commander will be notified and an entry will be made in the morning report. The K-9 Supervisor will be contacted by the handler whose K-9 injured the person.
  - 3. The K-9 will be taken to the Department veterinarian ten (10) days after the incident.
  - 4. A written report will be submitted to records prior to the end of the duty shift.
  - 5. Photographs will be taken of the injuries after they have been cleaned and attended to by medical personnel. A Department F.I. may be used to take the photos.

330.05      OFFICER CONDUCT

- A. Department sworn or non-sworn personnel will not tease or harass any K-9 unless asked to do so in a training environment.
- B. Personnel will not pet or attempt to pet a Department K-9 without permission of the handler.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: May 1, 2007

- C. Department personnel will follow directions of the handler when working in the close proximity of the K-9.

330.06      **TRAINING**

- A. All K-9 Unit personnel will be required to complete a minimum of 240 hours of training with their K-9 prior to being placed into service as a K-9 Team.
- B. All K-9 Unit personnel will be required to attend regularly scheduled training days as well as conducting routine maintenance training with their assigned K-9. Training will be conducted during on-duty time.
- C. K-9 handlers will maintain monthly training and utilization reports.
- D. K-9 Unit training and utilization reports will not be removed from the unit offices. Copies of these records will not be made without the permission of the K-9 Supervisor. These records are the property of the GPD.

330.07      **K-9 UNIT UNIFORMS AND EQUIPMENT**

- A. The optional duty shirt will be the BDU type with long or short sleeves. There will be no bottom cargo pockets. The shirt will have a GPD shoulder patch on the left sleeve and a GPD K-9 patch on the right sleeve. Either a metal or cloth badge will be worn above the left breast pocket. The shirt will be tucked into trousers.
- B. The optional uniform pant will be the BDU type. Pant legs will not be bloused.
- C. An optional K-9 Unit Polo Shirt authorized by the Chief of Police may be worn to community functions in addition to training. The Field Services Bureau Commander may authorize the Polo shirt to be worn at other activities.
- D. A white or optional black T-shirt or turtleneck will be worn at all times.
- E. If the Handler and the K-9 are off duty and receive notice requiring them to respond, they may wear the Department coat over appropriate civilian attire.
- F. K-9 Unit personnel have the option to wear a nylon type duty belt and associated gear while wearing the BDU type uniform. This must be approved by the Chief of Police.

330.08      **SECURITY PROVISIONS FOR CONTROLLED SUBSTANCE AIDES**

- A. Long Term Storage
1. Safe
- a. Located in the K-9 Office or,
- b. Secure access area.
- B. Short Term Storage
1. Ammo Boxes

Gallup Police Department  
\* Rules and Regulations \*

Effective date: May 1, 2007

- a. Locks will be placed on ammo boxes for secure transport and storage for use in training.

330.09      **RECORD KEEPING**

- A. Receipt of controlled substances by K-9 Unit.
  1. Initial inventory by K-9 Unit Supervisor from authorized source.
    - a. Division Commander will authorize sources.
    - b. To be recorded on controlled substance inventory sheet by K-9 Unit Supervisor and witnessed by one other K-9 Unit member.
    - c. Documents relating to the acquisition of training aids will be maintained by the K-9 Unit Supervisor.
  2. Inventory will be done bi-annually by K-9 Unit Supervisor and field Services Lieutenant.

330.10      **CHECK-OUT OF CONTROLLED SUBSTANCES FOR TRAINING**

- A. Controlled substances may be checked out by the K-9 Unit Supervisor to members of the K-9 Unit, for the purpose of detector K-9 training.
- B. Controlled substances will be weighed at check-out and check-in. Weighing will be done by the K-9 Unit Supervisor and witnessed by the Officer returning the training aids.
- C. The K-9 Unit Supervisor will check the controlled substances out, via a sign out form.
- D. Individual members are responsible for the security of the controlled substances that are checked out to them.
- E. Substances will be kept in lockable ammo boxes.

330.11      **LOSS REPORTING**

- A. Due to the nature of K-9 training, the potential of loss due to damage exists. In the event that such an occurrence arises, it will be recorded on the check-out forms and a memo will be completed detailing the facts of the loss. This memo will be included with the inventory.
- B. Losses will be reviewed by the K-9 Unit Supervisor and Lieutenant. Memos will be maintained by the K-9 Unit Supervisor.
- C. Violations of Department Policy will be reported up the Chain and investigated by internal Affairs.

330.12      **ROTATION OF TRAINING AIDES**

- A. To minimize contamination by handling, controlled substances will be removed from inventory after one year or when necessary
- B. Removal/Destruction will be in accordance with the original source's policy and will be noted on the inventory sheet.
- C. Documentation relating to the return or destruction of controlled substance training aids will be by the K-9 Unit Supervisor.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: May 1, 2007

330.13 MEMBERSHIP

- A. New members shall be placed on probationary status for a period of not less than one (1) year. Any member who fails to demonstrate acceptable performance during the probationary period may be removed from the K-9 Unit at the recommendation of the K-9 supervisor or Field Services Commander with the concurrence of the Chief.
- B. K-9 handlers must be current with all normal activities and requirements to be on the unit. The Field Services Bureau Commander may suspend the K-9 handler if normal department duties are not kept up.

330.14 RETIREMENT OF DEPARTMENT K-9

- A. Should it become necessary to retire a K-9 from service with the K-9 unit, the department may transfer ownership of the animal to its last handler, provided the handler wishes to accept the K-9, and sign suitable releases i.e. releasing the department and its employees from future liability.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

331.00

**SCHOOL RESOURCE OFFICER**

It is the policy of the Gallup Police Department to place officers in educational facilities in order to assist in bring order to the educational atmosphere, and to introduce law enforcement as a positive element of society to the students in the Gallup Public School System.

**RULES AND PROCEDURES:**

**331.01**      **DUTIES AND RESPONSIBILITIES**

- A. The S.R.O. is first and foremost a Law Enforcement Officer. This fact must be conveyed to students and constantly reinforced.
- B. The S.R.O. may be asked to provide community wide Crime Prevention presentations. that may include, but not limited to:
  - 1. Drugs and the law - Adults and Juveniles.
  - 2. Alcohol and the law - Adults and Juveniles.
  - 3. Sexual Assault Prevention.
  - 4. Safety Programs - Adults and Juveniles.
  - 5. Assist in other Crime Prevention Section duties: displays, workshops, etc., as assigned.
- C. Act as a liaison and resource between the law enforcement community, other governmental agencies and the school.
- D. At the discretion of the principal, participants in conferences, especially when potential delinquency is a factor. The S.R.O. does not assume the role and function of the school case worker and counselor, however, the S.R.O. may have input into the intervention and preventive strategies and community resources available. These conferences may involve, but not limited to:
  - 1. Staffing.
  - 2. Case conferences.
  - 3. Parent conferences.
  - 4. Disciplinary actions, etc.
- E. Inform the principal of current apprehensions of students enrolled in his/her school and if called upon, to verify student referrals when applicable.
- F. The S.R.O. will work cases originating on campus and provide information regarding offenders to other agencies concerned.

Gallup Police Department

\* Rules and Regulations \*

Effective date: September 15, 2004

- G. Take appropriate action for any on-sight situations requiring attention such as:
1. Fights.
  2. Disorderly conduct.
  3. Vandalism.
  4. Status offenses.
  5. Narcotics offenses.
- H. Interact with uniform patrol in order to share information and work together on matters of mutual concern.
- I. Obtain routine school information for investigative purposes within established school guidelines.
- J. Conduct or arrange for school interviews that are of an investigative nature in the presence of the principal or his designated representatives if he/she desires. If the offense is such that it results in the removal of a child from school, the parent or guardian shall be notified.
- K. Make contact with their respective school administrators at the beginning of each school year for the purpose of communicating current program policies and available services.
- L. Attend school staff and faculty meetings, when practical.
- M. Schedule guest speakers, with the approval of the school administrator, who have professional expertise in the areas of safety, physical, mental and well being of children.
- N. Maintain availability to all students in the school complex.
- O. Interacting with students to promote and reinforce the development of basic life skills, and personal control and responsibility for one's actions, such as:
1. Resolving conflict without resorting to violence.
  2. Effective problem solving and good judgment.
  3. Awareness of peer pressure and its effects.
  4. Interpersonal communication skills and relations.
- P. Attend various events after school as necessary in order to prevent problems.
- Q. Maintain weekly contact with the S.R.O. Supervisor in order to facilitate administrative needs.
- R. Attend bi-weekly meetings established by the Supervisor for information exchange and resolution of special problems.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- S. Present the D.A.R.E. Project (as instructed at D.A.R.E. Officer Training) to middle and/or elementary schools.

**331.02 UNIFORM AND APPEARANCE**

- A. The S.R.O. is a law enforcement officer working as an extension of the school principal's office, therefore the S.R.O. will be attired in the same manner as anyone in the educational staff. The S.R.O. gains visibility to students by classroom presentations, conferences and introduction. When dealing with the secondary level students, the use of plain clothes officers has historically been found to have positive effects for all involved. S.R.O.'s do have the option of wearing their uniform or plain clothes, as directed by the Bureau Commander.
- B. The elementary S.R.O. will wear his uniform in all classroom presentations and while visiting the campuses. Visibility is utilized through the uniform so a student will learn to recognize an officer.

**331.03 DUTIES AND RESPONSIBILITIES OF THE S.R.O. SUPERVISOR:**

- A. Be available or designate someone to be available for daily contact with each S.R.O. This shall be done to facilitate administrative needs.
- B. Perform evaluations of the S.R.O.'s according to departmental rules and regulations.
- C. Maintain bi-weekly or as needed, meetings for information exchange and dealing with special problems.
- D. Visit each school complex.
- E. Periodically sit in on individual S.R.O. presentations.
- F. Maintain availability to all school administrators for matters of mutual interest.
- G. Coordinate activity among the Police Department, school officials and related agencies.
- H. Attend other school activities as is reasonably necessary for monitoring the overall program.
- I. Direct and/or coordinate activities related to special complex problems or assignments.

Effective date: September 15, 2004

**332.00**

**CHILD CUSTODY ORDERS**

The Department shall promptly enforce all Child Custody Orders received from a court of competent authority.

**DEFINITIONS:**

**CHILD CUSTODY ORDER**

A Child Custody Order is an order which specifically directs the Police Department to take custody of a child, and either restore them to the petitioning parent, or bring them before a judge for a hearing. These orders specify the exact action that a Law Enforcement Officer must follow, and will identify all the involved parties. Police Officers will ensure that they follow explicitly the instructions detailed in the court order.

These orders must be examined carefully prior to any action being taken. If the orders are from neighboring states, the petitioning parent must take them to our State Court for adoption before any action may be taken.

**RULES AND PROCEDURES:**

**332.01 CHILD CUSTODY ORDERS/SERVICE**

- A. Child custody orders will be effected by two Police Officers.
- B. The petitioning parent may accompany the Police Officers to pick up the child. However, in order to avoid confrontations between the estranged parents or other involved parties, they will not be allowed to enter the building/home where the child is located.
- C. When transporting any child, Police Officers must ensure that they comply with all State Laws pertaining to safe transportation of children, seat belts, child seats, etc.
- D. If the transporting Police Officers take the involved parties to a hearing, they must be prepared to stand-by until the conclusion of the hearing.

**332.02 SERVICE OF CHILD CUSTODY ORDERS AT GPS FACILITIES**

- A. Lawful court orders regarding Child Custody matters sometimes require taking a child into custody at a public school. In the event such a case arises, the sworn personnel serving the order shall:
  - 1. Contact the school Principal or an on-scene GPS Security Officer and advise them of the order.
  - 2. Upon arrival at the school, coordinate removal of the child with the Principal or Security Officer.
- B. Copies of the court order concerning the child should be made available to the Principal or Security Officer at the school

Effective date: September 15, 2004

333.00

POSSESSORY INTEREST DISPUTES

RULES AND PROCEDURES

333.01 GENERAL PROVISIONS

- A. Officers responding to calls regarding disputes over rent and/or lease agreements should limit the response to restoring order.
- B. The officer should not attempt to take personal property away from one party and give it to another if there is a "perfected lien" against such property.
- C. The officer should advise the parties to seek legal advice and permit the courts to determine their respective rights to the property.
- D. The officer should advise the party in possession of the property not to dispose of it until the courts have resolved the matter.
- E. If one party has a court order which appears to give that party the right to possession of the property, that order should be enforced only by the official specifically directed to do so in that order. Officers are advised to beware of the court orders of a suspicious nature.



Effective date: June 12, 2007

334.00      CRIMINAL INVESTIGATIONS PROCEDURES

The purpose of this directive is to provide policy and general procedures for the conduct of the investigative function.

It is the policy of the Department to utilize the integrated resources of the investigative and patrol functions to arrest, convict perpetrators, and to recover stolen property.

PROCEDURES

334.01      DUTIES AND RESPONSIBILITY

A. Section Commander

1. The Investigations Section is commanded by a Lieutenant and is responsible for investigation of major criminal activity.

B. Unit Commander

1. The Criminal Investigations Section will be supervised by a Sergeant. The Sergeant will report to the Lieutenant in charge of the Criminal Investigations Section.
2. All members of a sub-component will report to the Sergeant in charge of that function.

C. Reports

1. The Sergeant is responsible for the review and approval of all reports generated by detectives under their command and to take corrective actions as necessary to ensure these reports are clear, concise and accurate.

334.02      PRELIMINARY INVESTIGATIONS

A. Detectives of the Criminal Investigations Section will conduct preliminary investigations as required. These investigations will include:

1. Document all observations of events that occur, conditions that exist, and remarks made while conducting a preliminary investigation.
2. Locating and identifying victims and witnesses.
3. Interviewing complainant, witnesses, and the suspect.
4. Maintaining and protecting the crime scene and arranging for the collection of evidence.
5. Arresting those identified as criminally involved.
6. Reporting the incident fully and completely.

B. Detectives should refer to their unit's Procedures for further details.

Effective date: June 12, 2007

334.06      **NARCOTICS/VICE INVESTIGATIONS**

The Gallup Police Department, in recognition of the destructive nature of organized crime and vice activities, is committed to taking a proactive approach to stem its establishment and growth within the Gallup area. It is the duty of every member of the Gallup Police Department to assist in the suppression of organized crime and vice. In order to accomplish these goals the Gallup Police Department Criminal Investigation Section, has assigned personnel responsible for investigating these activities.

334.07      **ORGANIZATION**

These Agents will be commanded by an officer of the rank of Sergeant who reports to the Criminal Investigations Lieutenant. These positions will be manned by a number of personnel of the Gallup Police Department determined as appropriate to the problem and amount of resources that are available. This unit will further be provided with equipment, funds, and other resources based on the overall needs of the department and community.

- A. Personnel assigned to this area are responsible for the investigation of all organized crime and vice activities within the Gallup area
- B. It shall be the responsibility of the Sergeant of Narcotics to coordinate and oversee vice control and enforcement and keep the C.I.D. Lieutenant, the Chief of Police and the Middle Rio Grande Valley Task Force informed of cases within the Gallup area.
  1. Region I shall be notified on all controlled substance cases prior to any Department personnel initiating any investigation.
- C. The Narcotics/Vice Detectives will be responsible for the investigation of vice activities within the Gallup area. These investigations will include, but are not limited to:
  1. Illegal use and sale of controlled substances
  2. Illegal Gambling
  3. Illegal use and sale of alcoholic beverages
  4. Prostitution
  5. The illegal distribution and sale of obscene or pornographic material
- D. It shall be the responsibility of the Narcotics/Vice Sergeant to coordinate and oversee organized crime control and enforcement.
- E. The Narcotics/Vice personnel assigned to Organized Crime activities shall be responsible for the following areas of criminal activity, but not limited to just these activities:
  1. Groups engaged in or promoting extortion, theft, fencing, loan sharking, labor racketeering, and any offense for profit.
  2. Groups engaged in supplying illegal goods and services such as gambling, pornography, illegal trafficking in controlled substances, liquor or weapons and other unlawful conduct that may include the illegal use of force, fraud, bribery or corruption.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

334.08            OPERATIONS

- A. Complaints on organized crime and vice activities received by the Gallup Police Department will be handled in the following manner:
1. Calls received by Gallup Police Reception concerning incidents of organized crime or vice activity in progress will be referred to the Uniformed Patrol Division for investigation. The results of these investigations will be documented and referred to the Property Crimes Unit.
  2. Information received through investigation and intelligence gathering or through Confidential Informants and Crime Stoppers will be referred to the Property Crimes Sergeant of the Detective Division.
  3. Upon review of the information provided and based on departmental case assignment criteria it will be determined by the unit commander whether follow up investigation should be conducted.
  4. All investigations, preliminary and follow up, will be documented using standard Offense Incident Report Forms of this department.
- B. The Narcotics/Vice Sergeant shall maintain a record of all vice and organized crime complaints made by citizens which are substantiated by investigation. These records will be maintained in accordance with the policies pertaining to record keeping and in accordance with local, state and federal law.
- C. Criminal Investigations personnel assigned to organized crime and vice related offenses will share responsibility for the confidentiality of all intelligence pertaining to the investigations of these crimes and ensure that these investigations are maintained under departmental lock. The departmental lock will allow only certain personnel within the department to view and retrieve such cases. The cases shall be assigned case numbers just like other active open cases; however, the actual case itself will not be open to view except on a need-to-know basis. In the event that an investigation requires a coordinated effort, a request for assistance shall be made to the immediate supervisor and again the report may only be viewed on a need-to-know basis. Manual type case files may be maintained by a case agent/detective. Unit supervisors will review these cases. Access to these files will be limited to agents/directives actively working these cases. These cases will be maintained in locked files until the case is entered into the system. The agent/detective may keep a case file consisting of notes and copies of any documents etc. The reports will then be filed in separate locked files as prescribed by Records Section Directives. If an agent/detective leaves the department or the specialized unit, open cases on locked status will be turned over to the appropriate unit supervisor. The case agent/detective and unit supervisors shall coordinate dissemination of information of these types of files.
- D. The Investigations Section Lieutenant will maintain files of Confidential Informants pursuant to Standard Operating Procedure.
- E. Active case files involving organized crime and vice will be maintained by the individual or team of investigators who are involved in the operations. These files will be maintained in the Investigations Lieutenants Office in a secured filing cabinet. Access to these files will be limited to the members of the Investigations Section on a case-by-

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

case approval by the Sergeant of Narcotics/Vice or Criminal Investigations Section Commander.

EQUIPMENT

- F. Specialized equipment such as "Bird Dogs", concealed transmitters, and long range photographic equipment will be maintained by the Narcotic/Vic Unit Sergeant. When it is determined that this type of equipment is needed, a request will be made to the Sergeant for its use. This request should explain the nature of the investigation, the specific purpose that the equipment will be used for, and how long it will be needed.
- G. Once approval has been obtained for the equipment's use, the individual requesting the equipment and the Sergeant will inspect the equipment for its completeness and operational status. If the equipment is usable and the Sergeant is satisfied that the individual knows how to operate it, the equipment will be issued.
- H. On the return of this equipment the Sergeant and the individual returning it will again inspect the equipment for completeness and operational status. If the Sergeant is satisfied, no further action is required. If however there is a problem with the equipment, the individual who obtained it will be required to explain, in writing, what occurred to create the problem.
- I. Organized crime and vice activities can be investigated, at times, using traditional criminal investigation techniques. Due to the nature of these activities, special investigative techniques maybe necessary. All investigations that can be handled using traditional methods of investigation will be handled in accordance with Criminal Investigation Section Standard Operating Procedures. Preliminary Investigations and Follow up Investigations. Special Investigative Techniques are set forth in the following sections:

334.09 UNDERCOVER OPERATIONS

- A. Undercover operations include all operations which require that the police portray themselves as something or someone different than police officers.
- B. The use of a ruse, or fictitious portrayal, has been long accepted by the Courts as means by which police are permitted to gain evidence of a prosecutorial nature. Such portrayals are left up to the discretion of the personnel conducting the investigation, however, no portrayal or ruse will be used which adversely affects the integrity of the Police Department if in the public eye, nor will any ruse of portrayal be used which could cause retaliation by offenders, their family, friends or associates against any private citizen, public or private business or organization. Additionally, no ruse or portrayal will be used which could be construed as to defame, corrode or jeopardize the character or livelihood of any private citizen, business or organization.
- C. All operations which are determined to be Long Term or Undercover Operations must receive approval from the Investigations Section Lieutenant and a Case Plan must be submitted. The case plan will include factors of the case which include:
  - 1. Required manpower
  - 2. Estimated required



Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

3. Objectives
  4. Benefits to the Police Department/Community
  5. Specialized equipment needed
  6. Anticipated length (in terms of time needed to accomplish the objectives)
  7. Anticipated results (in terms of the number of individuals arrested, property recovered, controlled, substances seized, etc.)
  8. The identification of the past and failed operations which must precede the approval of the long term investigation operation
- D. When it becomes necessary to conduct an undercover operation, a plan of action will be formulated in order to provide for a thorough and smooth operation. The following areas will be considered during this planning stage:
1. An examination of the criminal activity under investigation and the victims of the activity should be made in order to better understand the problem.
  2. How contact will be made with the suspects.
  3. An assessment should be made of the area of operations to familiarize the assigned officers with the neighborhood and the targets.
  4. Determine the need for false identification and ensure that it is provided prior to the start of the operation.
  5. Determine the methods necessary to provide for the confidentiality of the officers' false identification.
  6. Determine the need for expense monies and arrange for its issue prior to the start of the operation and ensure the officers understand its authorized use and accountability.
  7. Determine the types of equipment which may be necessary and equip the personnel prior to the start of the operation.
  8. Determine the types of communication that will be required for the operation for both routine and emergency situations, and ensure that all personnel understand them.
  9. Examine the planned operation to determine if there could be any legal ramifications that would jeopardize the operational goals.
  10. Guidelines for the arrest of the target should be considered prior to the beginning of the operation. This assessment should include the type of violation involved, the possible location to make the arrest, the risk factors to the officers and surrounding population, and the number of personnel that will be required.
  11. During the undercover operation, additional personnel should be placed in locations to provide security back up if necessary. These officers should be familiar with the emergency communications system set in place for the operation.
  12. Due to the nature of an undercover operation, a supervisor should be closely monitoring the operation at all times. If the operation is to take place over an extended period, relief of security personnel and supervisor should be considered.



Effective date: June 12, 2007

334.10      **DECOY OPERATIONS**

- A. When it becomes necessary to conduct a Decoy Operation a plan of action will be formulated in order to provide for a thorough and smooth operation. The following will be considered during the planning stage:
1. An examination of the criminal activity, victims and locations of activity will be made to identify the proper decoy type.
  2. On determining the victim profile, the officers (decoys) will be disguised to fit the profile.
  3. Considering the area of operation and type of crime involved will determine the number of back up officers that will be required for security and protection.
  4. Develop a plan of action as to how the decoy will be positioned and where the back up officer will be stationed. In addition formulate an arrest plan assigning officers appropriately.
  5. Examine the operation for any legal ramifications that could jeopardize the operational goals.
  6. Determine what type of communications which will be appropriate for the operation and ensure that all involved personnel are so equipped and briefed.
  7. Identify all personnel involved assigning them to their roles in the operations and ensure they have a thorough understanding of their duties.
  8. Ensure that the uniformed patrol commander on duty is briefed on the operation prior to its start to ensure that it does not conflict with their operations or interrupted.
  9. Due to the nature of this type of operation, a supervisor of the rank of sergeant or above will be placed in charge of it.
- B. In any of the above operations a case plan SHALL be required.

334.11      **RAIDS**

- A. When it becomes necessary to conduct a raid concerning criminal activity, a plan of action will be prepared prior to the raid being carried out. This planning is to ensure that all personnel know their roles and that the raid is conducted safely and without problems. During this planning, the following will be considered:
1. What jurisdiction will be granting the authorization for the raid.
  2. One person must be designated as the officer in charge.
  3. Examine the location where the raid is to take place and develop a strategic and tactical plan for its approach, entry, security and possible leaving targets.
  4. Designated search teams and the methods to be used to search for and seize the evidence.
  5. Examine the operation and determine what equipment will be required and secure it prior to starting.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

6. Examine the communications and personnel requirements of the operation and ensure that the equipment is available and that personnel selected have the appropriate specialization for their assignment.
  7. Identify the possible targets and assign personnel to arrest teams.
  8. Examine the risk factors involved in the operation and ensure that all personnel understand the threat level that exists and what the authorized use of force is.
  9. Based on the threat level and the overall operation, determine the need for medical assistance and how close at hand it should be.
  10. Personnel should be assigned to provide documentation of the operation to include service of search/arrest warrants, photographs of evidence, collection of evidence and reports.
- B. It should be noted that in any of the above operations a case plan shall be required.

334.12      **CONFIDENTIAL INFORMANTS**

- A. During the course of many investigations, Confidential Informants are used to secure information that cannot otherwise be obtained. Due to the inherent risk to departmental personnel when contacting informants and the risk to the individual confidential informant if his/her identity were to become known the following procedures concerning Confidential Informants (CI's) will be used.
1. Each Confidential Informant used by the Gallup Police Department will be documented using a Confidential Informant Report. As new Confidential Informants are identified and used, Confidential Informant Report(s) will be created on them.
  2. Each Confidential Informant Report will include:
    - a. Confidential Informant number
    - b. Detective assigned as handler
    - c. Confidential Informant code name
    - d. Date/time file was prepared
    - e. Informant's full name, address, and alias
    - f. Residential status
    - g. Driver's license information
    - h. Place of birth
    - i. Citizenship
    - j. Ethnic origin
    - k. Social Security number
    - l. Date of birth and age
    - m. Race
    - n. Sex
    - o. Description

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

- p. Vehicle information
  - q. Prior criminal records check
  - r. Comments about the Confidential Informant that the Detective deems necessary
  - s. Confidential Informants code name and normal signatures
  - t. Left and right thumb prints
  - u. Photograph of the informant
  - v. A history of their information, the reliability of that information, and transactions.
  - w. Any involvement of a Confidential Informant in an actual operation.
- B. The Confidential Informant files will be maintained by the Unit Sergeants of any Detective/Agent who is using a Confidential Informant. In addition, the Criminal Investigations Section Lieutenant will maintain a master file of all Confidential Informants used by the Gallup Police Department.
- C. On a semi-annual basis, each Confidential Informant file will be reviewed and updated. In addition, on an annual basis, the files of Confidential Informants who have been inactive for five (5) years will be destroyed.
- D. Due to the sensitive nature contained within the Confidential Informant reports, their security is important.
- 1. Unit Sergeants will maintain their unit's confidential informant files in a locked and secured filing cabinet within their office. Access to this material is to be limited only to those persons directly involved with the individual informant. Confidential Informant files should not leave the office of the unit sergeant even while being viewed.
  - 2. The Criminal Investigation Sec. Lieutenant will maintain the Master Confidential Informant file for the Gallup Police Department. This file will be locked and secured in a locked safe in a secure property room, with access limited only to those persons directly involved with the file.
- E. In addition to the security of the Unit Confidential Informant files and the Master Confidential Informant files, Detectives should carefully consider where they are and who is present when discussing Confidential Informants. Furthermore, the use of a Confidential Informants name, code name, or number will never be referred to in any written report or affidavit. However, if the detective has independent corroboration of the Confidential Informant's information it should be included. At no time will a detective reveal the identity of the Confidential Informant, unless under a legal court order to do so, which would occur in a in-camera hearing in a criminal prosecution. It should, however, be considered whether it would be in the interest of the Confidential Informant's safety to drop the criminal case prior to revealing that information.
- F. Caution should be used in the dealing with Confidential Informants and the information they provide. When it is necessary to meet with a Confidential Informant, a detective/officer should not do so alone.
- G. In addition, meetings between detectives/officers and Confidential Informants of the opposite sex, or whose sexual preference may create a

Gallup Police Department  
\* Rules and Procedures \*

Effective date: June 12, 2007

situation susceptible to compromise through alleged improprieties, shall be avoided when possible.

- H. The use of juvenile confidential informants is discouraged, although it is acknowledged that situations will arise when they will be used. When this occurs, the parents or legal guardian of the juvenile must give their written consent before the juvenile can be used.
- I. Although some persons who are classified as Confidential Informants will provide information to law enforcement agencies for personal reasons, most do so for financial reward. The payment of Confidential Informants is made based on the quality of their information and the impact this information has on the overall efforts of the Gallup Police Department. The decision to pay a confidential informant, and the amount of this payment, is made by the Criminal Investigations Section Lieutenant based on the evaluation of its importance by both the detective and unit sergeant. The payment of confidential informants is to be made from the department's contingency funds.
- J. Investigative personnel shall not use an individual as a Confidential Informant who is currently on charges with the District Attorney's office, unless there are extenuating circumstances that would require use of such a CI, express approval from the District Attorney's office is required.
- K. Patrol officers will utilize informants in accordance with Standard Operating Procedure.

334.13      SEIZURE OF PROPERTY

A. STATE PROCESS

- 1. Establish probable cause pursuant to 1978 Controlled Substances Act. You are encouraged to contact the District Attorney's Office for Assistance at this point.
- 2. Contact owner to establish involvement in case.
- 3. Determine if there are any liens on property:
- 4. Contact City Attorney's Office:
  - a. Initiate Forfeiture proceedings
- 5. If a decision to seize is made, the District Attorney will file all documentation with the proper court, however, it is the Unit Commanders responsibility to submit a memo to the District Attorney with all pertinent information requesting seizure of monies and or Property within 10 days of the seizure of the property. A copy of the Offense Incident Report will accompany the memo.
- 6. Property/vehicles need to be inventoried and personal property not being seized either as evidence or for forfeiture is to be returned to owner.
- 7. Vehicles will be stored at the Police Impound Lot.
- 8. The District Attorneys Office will forward any Summons to be served on the owner to the appropriate Detective. Detectives must complete a supplemental report documenting the service or attempted service of any summons.

Gallup Police Department  
\* Rules and Procedures \*

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Effective date: June 12, 2007

9. All confiscated money is to be submitted into evidence, it is then to be deposited in designated account.

B. FEDERAL PROCESS

1. Probable cause to seize:
  - a. Determine lien;
  - b. Contact federal agency for request to adopt case.
2. Inventory property, release, and return all personal property that has not been seized to the owner.
3. If federal agency accepts the case:
  - a. Obtain receipt for property.
  - b. File proper Federal Asset Sharing form within thirty (30) days of Seizure.
  - c. Answer all questions on federal form:
    - Include payoff;
    - Include outstanding balance against property.



Effective date: May 1, 2007

335.00      **USE OF INTERVIEW ROOMS**

To ensure that any use of an interview facility/room is done in such a manner that protects the rights and wellbeing of any persons using it.

The use of an interview room is a commonly used tool in the investigative process. It is essential that officers understand the civil liability that can be incurred when the room is used to hold an arrestee/prisoner who is not under constant observation.

It is the policy of the Gallup Police Department to promote the use of an interview facility/room as long as its operation is consistent with a set of procedures designed to protect officers, arrestees/prisoners, and any other persons using it.

335.01      **PROCEDURES**

A. Any room used for the express purpose of interviewing arrestees/prisoners must meet certain requirements.

1. Physical aspects:

- Any access doors to the room must not be lockable from the inside.
- The room must only be lockable from the outside by the use of a thumb-lock or other manual device. The room must not be lockable by any method that may be accessible to the arrestee/prisoner.
- The use of key type locks on the interview room doors is strongly discouraged.
- The room must be equipped with a monitoring device such as one-way glass or a video transmitter and monitored by a sworn officer. In the absence of such devices an arrestee/prisoner must be accompanied, and under constant visual observation by a sworn officer.

2. Personnel Rules:

- Before and after any use of the interview room, a thorough search of the premises must be made to ensure the room is clear of any contraband, weapons, or any other items that may endanger the safety of the arrestee/prisoner, officers, or any other occupant.
- A thorough search of each and every arrestee/prisoner must be made prior to being admitted to the interview room.
- While the interview room is in use, support officers shall remain in the immediate vicinity in order to provide assistance to any occupants of the room.
- Prior to using the interview room, officers shall secure their all weapons while conducting their interviews. No weapons will be allowed in the interview room.
- All sworn officers involved in the interview process, and those responsible for the safety of the arrestee/prisoner shall be trained in standard police methods related to prisoner safety as prescribed by the NMDPS Basic Police Academy.

Effective date: September 15, 2004

336.00

**DEALING WITH DEAF / SPEECH IMPAIRED PERSONS**

The purpose of this Section is to establish procedures for handling individuals who are deaf or speech impaired. Persons who are victims, witnesses, or involuntarily detained/arrested will be accorded the same privileges and rights as any other individual.

**POLICY**

It is the policy of the Gallup Police Department to comply with all applicable aspects of the Americans with Disabilities Act as enacted by Congress under Public Law 101-336-July 26, 1990, in dealing with deaf/speech impaired persons.

**COMMUNICATIONS**

All Department personnel will assist disabled person(s) communicate their needs when providing police service. This includes, but is not limited to:

- A. Use of sign language
- B. Use of TDDs
- C. Use of written notes
- D. Use of interpreters
- E. Use of other reasonable means necessary to conduct business

**DEFINITIONS:**

**DEAF/SPEECH IMPAIRED PERSON**

- A. A deaf person is one who, because of hearing impairment, cannot readily understand an oral or spoken language, or who cannot readily communicate in an oral or spoken language.
- B. A speech impaired person is one who because of a hearing impairment and/or a lack of ability to distinguish sounds or words regardless of cause or manifestation, is unable to produce words and cannot readily communicate in an oral or spoken language.

**INTERPRETER**

A person capable of interpreting and translating criminal, civil and administrative proceedings for deaf/speech impaired or non-English speaking persons. The interpreter must be certified by the National Registry of Interpreters and be able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary vocabulary.

**RULES AND PROCEDURES**

- A. This standard operating procedures addresses only those situations where an Officer, after consulting with the individual with a hearing impairment, determines that the services of an interpreter, hereafter referred to as a "signer", are necessary to ensure effective communication, or when the individual requests the services of a signer.

Effective date: September 15, 2004

336.01 DURING AN INVESTIGATION

- A. **Suspect:** A signer must be provided if the situation is so complex or lengthy that written communication is ineffective. If the Officer cannot wait until a signer arrives, the Officer has two alternatives:
1. If the investigation does not involve a serious offense, the Officer can postpone the investigation until he/she can return with a signer. If the signer is unable to respond or if the Officer cannot return to the scene, the Officer must document this fact in the report.
  2. If the investigation involves a major crime, the Officer will contact his/her supervisor to determine if a detective will be called to assist. If the supervisor determines that a detective will not be called, the Officer must document this fact in his/her report.
- B. **Victim or Witness:** If an Officer is unable to communicate effectively with a victim or witness by use of a note pad or by use of some other means of communications, the Officer must obtain a signer. If the Officer cannot wait for a signer, the Officer has three alternatives.
1. If the investigation involves a serious offense, the Officer will have a signer dispatched to the victim's or witness' location. If a signer is unable to respond, the Officer must document the fact in his/her report.
  2. If the investigation does not involve a serious offense, the Officer can ask the victim or witness to come voluntarily to the police station or substation for a signer, where the Officer can continue with the investigation. If a signer is unable to respond or if the Officer cannot return to the police station or substation, the Officer must document the fact in his/her report.
  3. If the victim or witness information is needed for an arrest in a case for completing the investigation of a case, the Officer must contact his/her supervisor. The supervisor will determine if a detective will be called to assist. If the supervisor determines a detective will not be called and if the Officer cannot return to the scene, then the Officer should document the fact in his/her report.

336.02 ARREST OF ISSUANCE OF TRAFFIC AND CRIMINAL CITATIONS

- A. In those situations where a Officer has probable cause to make an arrest or issue a criminal citation, without having to interview the suspect with a hearing impairment, the Officer does not have to provide a signer, except for the following situation:

Effective date: September 15, 2004

1. If an Officer is unable to convey the nature of the criminal charges to the arrestee, the Officer must call a signer, unless the arrestee waives his/her right for a signer. The arrestee will be transported to an interview room at the police station or the substation where the Officer will convey the information through the signer.
2. If an Officer has stopped a suspect for committing a non-criminal (traffic) infraction and if the Officer is unable to convey to the violator the nature of the infraction, the Officer has the discretion to call a signer to the scene or issue a citation.

**336.03 INTERROGATION OF AN ARRESTEE**

- A. Subsequent to an arrest, the Officer should obtain a signer prior to the interrogation. If circumstances do not permit a delay in the interrogation of the arrestee or if a signer cannot be located within a reasonable period of time, or if written communication between the Officer and the arrestee is effective, the Officer may proceed with the interrogation by using a note pad. The Officer will, if communication is established, continue with normal procedures, complete with Miranda.
- B. If written communication is found to be ineffective or because the arrestee chooses to discontinue the interrogation, the Officer must postpone the interrogation until a signer is present before continuing the interrogation.
- C. The detective will document arrival and departure times of the signer, and notify the Metro Dispatch center of these times, so the signer's time of service to the Gallup Police Department can be accurately computed.
- D. Should a non-violent, hearing-impaired person be arrested and transported to a police facility or any other location for questions/interviewing:
- E. Police Officers/detectives may allow, when safety permits, the handcuffing of the person in the front. Personnel are strongly encouraged to utilize two Police Officers during the transport and should never leave a hearing-impaired person alone in an interview room.

**336.04 WAIVER OF INTERPRETER**

- A. A deaf or hearing-impaired person may not waive his/her right to an interpreter unless given a reasonable opportunity to communicate privately with a qualified interpreter before such waiver. No waiver of the right to an interpreter will be valid unless the deaf or hearing-impaired person knowingly and voluntarily signs the Deaf/Hearing impaired Sign Language Interpreter Waiver.
- B. An interpreter will be used to read/write the Interpreter Refusal Waiver in the appropriate language for the person requesting a waiver.
- C. If after signing the waiver, the individual requests a signer, the Officer must stop the interview and request that a signer be dispatched in order to continue with the interrogation/interview.



Effective date: September 15, 2004

336.05 INTERPRETER INFORMATION AND WRITTEN EVIDENCE

- A. Police Officers will initiate an offense/incident report whenever an interpreter is called out. The report will include the name of the deaf/hearing-impaired person and all identifying information on the interpreter. The Officer will, as soon as possible, send a copy of the report to the Chief's Office, in order to verify services were actually rendered.
- B. All written questions and responses between Police Officers and persons with hearing impairments will be treated as evidence and handled accordingly.
- C. Original documents containing information from an interview will remain with the original report.

336.06 PROVIDING AUXILIARY AID OR SERVICE OF CHOICE

- A. When an auxiliary aid or service is required, the Police Department must provide individuals with hearing impairments with the auxiliary aids and services of their choice and will give primary consideration to the choice expressed by the individual.
- B. "Primary consideration" means that the Police Department must honor the choice, unless:
  - 1. The Department can show that another equally effective means of communication is available, or
  - 2. Use of the means chosen would result in a fundamental alternation in the service, program, or activity or incur undue financial and administrative burdens.
- C. Auxiliary Aids of Service included:
  - 1. Any written materials to aid in communication.
  - 2. Pencils, pens, and note pads.
  - 3. An Interpreter
  - 4. Any other means for effective communication

336.07 ON-CALL INTERPRETERS

- A. Police Officers will request the signer on-call only after establishing:
  - 1. That the deaf or hearing-impaired individual is the subject of an official police investigation.
  - 2. Is the victim or witness of an official police investigation.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

336.08      **EVACUATION PROCEDURES**

- A. When it is necessary to evacuate a deaf/speech impaired or non-English speaking person from the Police building for any emergency, the following procedures will be used:
1. Alert the person of the emergency and direct him/her to the nearest fire exit.
  2. Ensure that the person understands that an emergency situation exists.
  3. Escort the person from the building.

Effective date: May 24, 2007

337.00      **JUVENILE MATTERS**

The purpose of this directive is to establish procedures and guidelines for the handling of reported juvenile matters and delineate responsibilities within the Department.

It is the policy of the Gallup Police Department to enforce the law with respect to juvenile offenders, respond to the needs of juvenile victims, act as a resource for public and private schools, develop proactive methods for prevention of delinquency, and utilize the least coercive means available for dealing with youthful offenders.

In addition, it is the policy that all Department components and personnel share in the responsibility of participating in and supporting the Department's juvenile operations function.

Procedures

337.01      **JUVENILE OFFENDERS**

- A. Officers contacting juveniles for delinquent acts (criminal offenses), status offenses, and complaints should use the least coercive among reasonable alternatives to achieve a disposition of the matter, consistent with preserving public safety, order and individual liberty.
- B. Referral to Juvenile Probation and Parole
  - 1. If there is probable cause to believe that a juvenile has committed a delinquent act or status offense, a copy of the report shall be sent to the Juvenile Probation with the following notation "Juvenile Probation".

337.02      **JUVENILE ARRESTS**

- A. To initiate legal proceedings by affecting an arrest, you must first contact a Juvenile Probation and Parole Officer, either at their office during regular business hours, or at their residence or pager number, **BEFORE INCARCERATING A JUVENILE.**
- B. Listings of pertinent on-call Juvenile Probation and Parole Officers along with all telephone numbers will be updated on a regular schedule by McKinley County Metro Dispatch Center.
- C. When approval for detention has been received from a JPPO and a juvenile is placed in detention, copies of the complete report with probable cause statement shall be forwarded to the Juvenile Probation and Parole.
- D. In cases involving felony offenses and juvenile offenders, the cases shall be referred to the Juvenile Probation and Parole.
- E. Under no circumstances shall a complainant be referred to Municipal or Magistrate Court when the offender is a juvenile. If the offender is an adult and the victim is a juvenile, the parents of the victim may be referred to the Criminal Investigations Division (refer to directive 322.00), Municipal, Magistrate or District Court.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 24, 2007

- F. Once a request for detention has been approved and the juvenile has been accepted at the Detention Center, the arresting officer shall complete a statement of probable cause.
1. The original copy of the statement will be left at the Detention facility and a second copy shall be forwarded to the Records Section with the arrest report.
- G. Officers will take the alleged juvenile offenders into temporary custody for referral to Juvenile Probation and Parole, or arrest, under the following circumstances:
1. When the delinquent act committed by the juvenile would be a felony if committed by an adult.
  2. All delinquent acts involving weapons.
  3. All serious gang-related delinquent acts (gang related crimes may be defined as follows):
    - a. Crimes committed by gang members to benefit the gang.
    - b. Crimes committed by gang members at the direction of the gang.
    - c. Crimes committed by gang members while representing the gang, or whose criminal acts are intended to promote or further the advancement of the gang.
  4. All delinquent acts involving aggravated assault and battery.
  5. All delinquent acts committed by juveniles on probation or parole or by those with a case pending.
  6. All repeated delinquent acts, which have occurred within the preceding 12 months.
  7. Any juveniles, who have been selected for a diversion program, but have refused to participate.
  8. Cases in which it has been determined that parental supervision is not effective.
  9. When a warrant has been issued.
  10. When the delinquent act committed by the juvenile would be a misdemeanor if committed by an adult. (Refer to the next section of this directive for further guidance)
  11. Driving a motor vehicle when the operator's license is revoked.
  12. Driving a motor vehicle while under the influence of intoxicating liquor or drugs (refer to Directive 329.00 for further direction).
- H. Guidelines to be followed when taking a juvenile into temporary custody:
1. When taken into temporary custody, the officer will bring the juvenile offender to Juvenile Detention Center or Police Department without unnecessary delay, unless the juvenile is in need of emergency medical treatment.
  2. The juvenile will not be detained any longer than is reasonably necessary to obtain the required information for an offense report, verification of information, records check, and possible processing at the Juvenile Detention Facility.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 24, 2007

3. The juvenile's parent or guardian will be notified and advised of their child's custody and charges being filed against the offender.
  4. If juvenile is intoxicated refer to directive 313.18.
- I. Non-custodial Interviews of juveniles :
1. Juvenile will be advised of their rights as per Miranda in a modified version:
    - a. Right to remain silent
    - b. Right to an attorney
- J. Custodial Interviews of Juveniles
1. Juveniles will be advised of their rights, per Miranda, before any questioning is conducted about a specific crime.
  2. Officers shall familiarize themselves with New Mexico State Law regarding custodial interviews of juveniles under the New Mexico Children's Code, Basic Rights, and New Mexico State Statute 32-1-27 NMSA.
  3. Officers conducting custodial interviews of juveniles shall remain cognizant as to the duration of the interview, and number of officers present during the interview, consistent with the seriousness of the allegations and the circumstances surrounding the case.
  4. All reasonable attempts will be made to notify the parent or guardian of the arrest and have them present during any custodial interviews.
  5. Officers will explain to the juvenile and parent or guardian what procedures they can expect while going through the juvenile justice system.
- K. Citations Issued to Juveniles
1. Juveniles may be issued citations for state or municipal traffic violations.
    - a. Citations will be sent to the appropriate court (Municipal or Magistrate) in all cases except felonies listed in the Motor Vehicle Code, Driving under the Influence of Intoxicating Liquor or Drugs; leaving the scene of an accident involving damage, injury, or death; reckless driving; or driving under a suspended license.
    - b. Citations involving the above-listed exceptions shall be sent to the Juvenile Probation and Parole Office for disposition. In the event that a citation is issued for one of the exceptions, then all additional citations shall be routed as well.
    - c. Parents will be notified by Juvenile Probation and Parole of the date and time of the scheduled hearing on the citation(s).
- L. Counsel and Release
1. Officers have a wide range of discretion involving juvenile misdemeanor cases. Additionally alternative remedies that can be used by officers involved in juvenile misdemeanor cases to divert offenders from the court system are as follows:

Gallup Police Department  
\* Rules and Procedures \*

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Effective date: May 24, 2007

Warnings

- a. The officer arrests the juvenile, contacts the parent, guardian or adult relative and transports the juvenile to the Police Department. If after review of the allegations the Officer feels justice would best be served by a warning, and all parties agree, the Officer will warn the juvenile and release him/her to the parent, guardian or relative and document the information in a report.

Informal Referrals

- a. If in the opinion of the Officer, the juvenile is in need of services that could best be provided by agencies other than the court system, the juvenile and parent/guardian shall be referred to that social service agency.

337.03

MISSING/RUNAWAY JUVENILES

(Refer to directive 342.00)



Effective date: September 15, 2004

338.00

**BOMB THREATS AND EMERGENCIES**

The Department shall respond to a bomb incident and provide for the safety of citizens and personnel in the response, deployment, and handling of bomb threat/emergency situations.

DEFINITIONS:

**BOMB THREAT**

A bomb threat is a condition when a suspected bomb/explosive device has been reported but not located.

**BOMB EMERGENCY**

A bomb emergency is a condition when a suspected or actual bomb/ explosive device has been located or when an explosion occurs.

RULES AND PROCEDURES:

BOMB THREAT

338.01      **METRO DISPATCH RESPONSIBILITIES**

A. Personnel receiving notification of a bomb threat will:

1. Keep the reporting party on the line and determine, if possible, the reason for suspicion that an explosive device may be present, as well as:
2. The location of the device.
3. Type and description of the device.
4. Quantity and characteristics of the device.
5. Time the device is set to detonate.
6. Name of the caller.
7. Any other information, such as the caller's sex, accent, and any discernible background noises.
8. The time call was received, and the time call was terminated.
9. Dispatch a Patrol unit immediately.
10. Upon dispatching units to the location, the on-duty supervisor and watch Commander will be notified.
11. As directed by the dispatched Officer or field supervisor, will notify the appropriate Fire Department and provide deployment instructions for responding apparatus.

Effective date: September 15, 2004

- B. When calls are received by police personnel other than those assigned to the dispatch center, they will attempt to obtain all the above listed information from the caller. They will then notify the Metro Dispatch regarding the call and relay all information obtained.

338.02      **DISPATCHED POLICE OFFICERS RESPONSIBILITIES**

- A. All responding units will cease radio transmissions within a four block radius of the suspected location of the device.
- B. Make contact with the person in charge of the premises and the person who reported the threat.
- C. The responding Officer should ask, but not be limited to the following questions:
1. Have previous threats been received and the outcome of those threats.
  2. Possible motives.
  3. Vulnerabilities of equipment and/or personnel.
  4. Any other questions which might provide assistance in determining the probability of an explosive device being on site.
- D. When the probability of an explosive device has been established, telephone contact will be established with the Metro Dispatch center. The deployment of Fire/Rescue equipment should be requested.
- E. The decision to search a public building or area rests with the Officer or supervisor on scene. Permission is required to search a private residence or business.

338.03      **SEARCH PROCEDURE**

- A. A plan should be developed before a search is initiated. The areas to be searched and the extent of the search will depend on the following:
1. The type of premises.
  2. The motivation of the suspect.
  3. The accessibility of the location.
- B. A floor plan should be obtained and search areas assigned. If a floor plan is unavailable a sketch of the location should be completed and copies given to each search team.
- C. An attempt should be made to utilize personnel familiar with the areas to be searched when assigning search teams.
- D. Where a search fails to discover an explosive device, Police Officers will state only that a device was not found.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- E. The search will be discontinued when :
1. Requested to do so by the owner of the premises or the owner's designee.
  2. Directed to do so by the on-scene supervisor.
  3. The Officer is satisfied that the probability of finding a device by further search is minimal.
- F. Police Officers will not discourage the person in charge of the premises from continuing with a search after Police Officers departure.
- G. If no suspected device is located, the officer in charge will notify the person in charge of the building or area of the result of the search. The person will then be advised that it will be their responsibility to declare the building or area safe. The Police Department cannot accept this responsibility.

RULES AND PROCEDURES:

BOMB EMERGENCY

338.04 METRO DISPATCH RESPONSIBILITIES

- A. In the event that a device is found by the calling party prior to the first officers arrival dispatch personnel will comply with all portions of section 338.01, and with the additional provisions outlined below:
1. Advise the reporting person to evacuate the concerned area immediately and take all available precautions.
  2. Dispatch units as necessary for evacuation and establishing a perimeter.
  3. Notify the City of Gallup Fire Department for dispatch of appropriate emergency equipment.
  4. Advise the field supervisor of existing circumstances.

338.05 DISPATCHED POLICE OFFICERS RESPONSIBILITIES

- A. All responding units will cease radio transmissions within a four block radius of the suspected or known device. Metro Dispatch will be conducted by telephone.
- B. The dispatched Officer will be responsible for obtaining completed preliminary information (witness, calling party, and persons present) and relay this information to the Emergency Ordnance Disposal personnel.
- C. Personnel will not touch or disturb a suspected device, regardless of how harmless or innocent it may appear.
- D. Fire Department personnel will be allowed access to the area in the event of a detonation which causes fire or injury.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- E. The Fire Department will have primary responsibility in the event a fire occurs or emergency medical treatment is required. Bomb disposal and investigation remain the primary responsibility of the Police Department.

**SUPERVISOR RESPONSIBILITIES**

- A. The supervisor will be responsible for the establishing of a perimeter in the immediate area surrounding the known or suspected device.
- B. The supervisor will take appropriate action for notifying addition resources.
- C. In all cases where E.O.D. personnel respond to the scene of a known or suspected explosive device and have been briefed, the control containment, and/or removal of the device will be coordinated with the on-scene supervisor.
- D. The supervisor will coordinate the evacuation of all occupants from the immediate area.
- E. A Field Command Post should be established as soon as possible. The Fire Department's Chief Officer will respond to this location and act as a liaison to coordinate any type of joint effort that may be required.
- F. The Field Command Post should be on the perimeter of the four (4) block area. Fire Department units which are responding to the incident will initially stage at a four (4) block minimum.

**DETONATED DEVICES**

**METRO DISPATCH RESPONSIBILITIES**

- A. Dispatch a field unit to the location, and provide as much pertinent information as available.
- B. Dispatched units will be constantly updated on incoming information.
- C. Notify the field supervisor of the call and situation.
- D. Notify the Fire Department and ambulance services for response.
- E. Obtain as much information as possible from the reporting party concerning the location of the explosion, injuries, and/or fire.

**DISPATCHED POLICE OFFICERS RESPONSIBILITIES**

- A. When a device has exploded/detonated, Police Officers will respond to the location and establish a security perimeter in the immediate area surrounding the explosion site.

Effective date: September 15, 2004

339.00

BUILDING SECURITY AND EMERGENCY PROCEDURES

The Department shall have specific guidelines pertaining to use of employee identification while present in the law enforcement center. It is also the policy of this Department to have specific guidelines for the evacuation of the law enforcement center in the event of an emergency.

RULES AND PROCEDURES:

339.01      LAW ENFORCEMENT CENTER

- A. Personnel will wear their identification card or issued badge on an outer garment when in the Law Enforcement Center and not in uniform.
- B. Personnel observing anyone not in uniform or not wearing an identification card in the building after normal business hours shall ascertain their business in the building and take appropriate action.
- C. Watch/Division Commanders will ensure that the outer doors to their respective Division offices will be locked after normal business hours. Personnel charged with the security responsibility of official files will ensure that those files are locked after normal business hours.
- D. There may be instances where a total evacuation of the Law Enforcement Center becomes necessary. The primary consideration is for the safety of personnel.
- E. In the event of an emergency evacuation of the Law Enforcement Center, the Chief of Police will evaluate the seriousness of the emergency and determine to what degree the building should be evacuated (partially or totally).
- F. The Police Chief will notify the Radio Room. The Radio Room will then notify all other employees when a decision is made to evacuate, and will advise the employees as to the extent of the evacuation (partial or total).
- G. If the emergency occurs after normal office hours, the watch Commander will evaluate the emergency and determine to what degree the building should be evacuated.
- H. Each supervisor or senior sworn or non-sworn personnel will ensure that all files and doors in his area are locked if possible.
- I. Evacuation of Department offices will be made as follows:
  1. All personnel located will exit through the nearest exit doors.
- J. After the building is evacuated, all sworn personnel will report to the east side of the building for assignments during the emergency. If the incident is a bomb threat, then sworn personnel will report to the training room.



Gallup Police Department  
\* Rules and Regulations \*

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Effective date: September 15, 2004

- K. All other Department personnel will report to the south parking area. If it is a bomb threat, civilian personnel will also report to the training room.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: June 22, 2011

340.00

**DOMESTIC VIOLENCE**

It will be the policy of this Department to respond to all reports of domestic violence, provide for the safety of involved parties, and take appropriate law enforcement action as defined in current state statutes.

**DEFINITIONS:**

Domestic violence is defined by NMSA 1978 30-3-10 through 30-3-18

**HOUSEHOLD MEMBER**

As defined by NMSA 1978 30-3-11.

**PETITIONER**

The person requesting the Family Protection Order.

**RESPONDENT**

The offender named in a Family Protection Order.

**FAMILY PROTECTION ORDER**

An order granted for the protection of victims of domestic abuse. Also, may be called a "Domestic Violence Order" or DVO.

These orders indicate the court decisions regarding the incident, and specifically describe the acts the court has ordered the respondent (or offender) to do or refrain from doing. These orders may be served by any law enforcement officer, and any law enforcement officer may make an arrest on the basis of the order provided they have probable cause to believe that the order has been violated.

**CEO**

Metro Dispatch equipment operator, or dispatcher.

**RULES AND PROCEDURES:**

**340.01 DOMESTIC VIOLENCE**

- A. Police Officers who are dispatched to Domestic Violence calls will take whatever steps are reasonably necessary to protect the victim from further domestic abuse.
- B. Police Officers shall advise victims of Domestic Violence of the remedies available under the Family Violence Protection Act (40-13-1 to 40-13-7 NMSA 1978), the right to file a written statement or request for an arrest warrant and the availability of domestic violence shelters, medical care, counseling and other services.
- C. Officers shall make reasonable efforts to arrange for transportation to a shelter, safe refuge, or medical facility for victims of domestic abuse.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: June 22, 2011

When it is possible and the Sheriff's Department is available, arrangements can be made for transportation to destinations substantially outside the city limits but within McKinley County. A reasonable effort to resolve the situation locally is sufficient until other arrangements can be made at a more appropriate time.

- D. If requested by the petitioner, Police Officers will accompany the victim to their residence to remove clothing and personal effects required for immediate needs and the clothing and personal effects of any children then in the care of the victim.
- E. Upon request of the petitioner, assist in placing the petitioner in possession of the dwelling or premises or otherwise assist in execution or service of the order of protection.
- F. Arrest of the abusing household member is mandatory when the Officer has probable cause to believe that a battery has been committed upon a family or household member when appropriate and in accordance with present state law.
- G. Advise the victim, when appropriate, of the procedure for initiating proceedings under the Family Violence Protection Act or under criminal statutes if applicable, and of the importance of preserving evidence.
- H. Any law enforcement officer responding to the request for assistance under the Family Violence Protection act is immune from civil liability to the extent allowed by law.
- I. Personnel will complete an Initial Offense Report on every incident of domestic disturbance they are dispatched to, regardless of whether or not an injury was sustained, an assault was committed, or enforcement action was taken.
  - 1. The incident will be defined by listing the actual offense followed by a slash mark then, "Domestic Violence".
- J. The Department will provide each Officer with several "Domestic Violence Packets" which will contain all the necessary information that a victim will need to guide them in the process of filing for a Family Protection Order.
- K. Department personnel will provide victims of domestic violence with a "Domestic Violence Packet" and will direct them in the steps necessary to obtain a Family Protection Order.

340.02      **RELEASE OF DOMESTIC VIOLENCE OFFENDERS**

- A. When an offender in a domestic violence incident is being released from custody, it is the responsibility of the holding facility to inform the arresting agency of the impending release. The arresting agency must then inform the victim that the offender is being released.
- B. In order to comply with the above requirement the following steps will be followed by Department personnel:

Gallup Police Department  
\* Rules and Regulations \*

Effective date: June 22, 2011

1. The initial Officer making an arrest at a domestic violence call will obtain the call "DV" number from the CEO. This number and the telephone number for the Police Departments Radio Room will be given to the victim.
2. The initial Officer will obtain a telephone number where the victim can be reached.
3. The Officer will advise the victim that they can call the Radio Room to make changes in their contact number by referencing the "DV" number and giving their new number.
4. The initial Officer will advise the booking officer at the detention center that this is a domestic violence case, and will include the "DV" number in the facts of arrest section. They will then advise the booking officer that our Radio Room must be notified prior to the release of the offender.
5. The initial Officer will notify the Radio Room of the contact number where the victim wishes to be notified before they leave the booking area.
6. The CEO will maintain this information for release notification.

**340.03            RELEASE OF OFFENDER**

- A. Personnel at the detention center will contact the Police Department Radio Room when the offender is being released and provide this appropriate "DV" number.
- B. Police Department Radio Room personnel will reference the correct telephone number for the victim and will make three (3) attempts to contact them. The first attempt should be made within thirty (30) minutes of our notification. All three attempts should be made within the first two hours after notification has been received.
- C. CEO personnel will log all attempts to notify the victim in.
- D. In cases where the victim does not have a telephone, an Officer will be dispatched one time to make notification of the offender's release. If the victim has moved to a location outside of our normal patrol area, the law enforcement agency having primary patrol responsibility for the area will be contacted and requested to make notification.
- E. The victims contact number or location will not be given to anyone other than law enforcement personnel.

**340.04            SERVICE OF FAMILY PROTECTION ORDERS**

- A. The District Court Clerk of McKinley County maintains a file of all Orders of Protection and is open from 0800 to 1700 hours Monday through Friday. When an officer comes in contact with a party suspected of violating an Order of Protection, verification of the order may be made by calling the District Court Clerk's Office.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: June 22, 2011

- B. After hours, officers shall contact the Gallup Police Department Radio Dispatch and check if an Order of Protection is on file. If one is not on file and the part has a signed and dated copy in their possession, the officer shall consider it valid and a copy shall be made for the officer's report by use of the copy machine located in the Gallup City Jail.
- C. Arrests for violation of a Family Protection Order may be made after verification of service.
- D. When filling out a booking sheet, under the charge section, the officer will write "Violation of Court Protection Order" and include the Domestic Relations or District Court Order number. The officer will also cite 40-13-1 et. seq. NMSA 1978, Family Violence Protection Act, on the booking sheet charge section. The Gallup City Jail will hold an offender in jail without bond until the bond has been set at a hearing.
- E. If Police Officers arrive at the scene of a domestic disturbance and discover that a violation of a protection order has occurred, (and are able to verify service of a Family Protection Order), an immediate arrest shall be made.
  - 1. A subject who violates a Family Protection Order does not have to be at the scene of the offense for them to be arrested.
- F. If personnel are at the scene of a domestic disturbance and the victim states that a protection order has been filed but not served, Police Officers may then serve the petitioners copy to the respondent. The respondent shall be permitted to comply with the order and, if this is not done, an immediate arrest shall be made.

340.05 CIVIL SERVICE OF COURT ORDERS OF PROTECTION

- A. Officer shall serve District Court Orders of Protection under the following circumstances only:
  - 1. Officer must hold a current State of New Mexico commission.
  - 2. Officer must be at the scene of a domestic disturbance call.
  - 3. The victim (petitioner) must request that the officer serve the court order on the respondent.
  - 4. The respondent (offender) must be physically present at the scene.
  - 5. The petitioner must have a copy of the valid District Court Order in his/her possession.
  - 6. Before serving the respondent with the court order, officers will have contact with the McKinley County Sheriff's Office and determine whether the court order has already been served.
- B. If the service has not been made, the officer will promptly serve the court order on the respondent.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: June 22, 2011

- C. If the service has been made and the court order prohibits the respondent from being on the premises, officers shall arrest the respondent.
- D. Any officer serving a civil District Court Order as outlined above shall fill out a "Sheriff's Return of Service" form and promptly forward it to the Civil Division of the Sheriffs Office before the end of the shift.
- E. When officers serve a court order, they will write an offense report. Officers will include in their report, all the information regarding the serving of the Court Order.

340.06      SERVICE TO LAW ENFORCEMENT PERSONNEL

- A. Officer shall strictly adhere to this section in its entirety on all domestic violence calls, including those in which a member or any law enforcement agency is involved.
- B. When it has been determined that a law enforcement officer is involved in an incident of domestic violence the responding officers will immediately contact the on-duty Gallup Police Department supervisor.
- C. When informed of an instance of domestic violence involving a law enforcement officer the on-duty Gallup Police Department supervisor will immediately contact the on-duty supervisor from the officers agency.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 16, 2007

341.00

**VICTIM/WITNESS ASSISTANCE**

The Department shall provide assistance to victims and witnesses of crime in cooperation with other state and local agencies and as provided for by state and local law. New Mexico State Statutes Article 26 31-26-1 through 31-26-14 outlines the rights of victims and witnesses of crimes.

**RULES AND PROCEDURES:**

**341.01      CONFIDENTIALITY**

- A. The confidentiality of victims and witnesses will be maintained and their role in case development will be kept confidential to the extent consistent with applicable law.

**341.02      INFORMATION TO BE PROVIDED TO VICTIMS AND WITNESSES**

- A. At the time the initial/preliminary investigation is conducted, the primary Officer will provide the following information to the victim(s) and witnesses:
1. In all cases:
    - a. The Officer's business card with any available case number information.
    - b. Emergency and Non-emergency phone numbers available 24 hours a day:
      - \*Police Departments Emergency Dispatch (911)
      - \*Police Departments Non-emergency Dispatch (722-2002)
  2. Advise victims/witnesses of services available within the scope of their request. This will include, but is not limited to:
    - a. Counseling services.
    - b. Medical facilities and services
    - c. Compensation programs
    - d. Emergency programs
    - e. Victim advocacy
    - f. Provision of transportation to safe places and medical facilities.
    - g. Legal service
    - h. Domestic Violence Packet, as outlined in the Domestic Violence section of this manual.
  3. A number to call to report any additional information and/or to receive follow-up information about a case, i.e., Substation or Criminal Investigations Division.
  4. If there are no leads at the time of the preliminary investigation, and the initial Officer is closing the case, pending further leads,

Effective date: April 16, 2007

Police Officers shall advise the victim of that fact so as to not give false hope to the victim.

**341.03 FOLLOW-UP INVESTIGATIONS**

- A. If a Officer or detective conducts a follow-up investigation the following information will be provided to the victim/witness either verbally or by using handout material:
1. Update on case status.
  2. Explanation of process involved in prosecution of their case and their role in prosecution.
  3. Any additional requirements imposed on the victim/witness i.e., attending line-ups, interviews, etc.
  4. Means by which property taken as evidence may be returned and the times and location for the return of this property, if applicable.
  5. Availability of District Attorney Victim/Witness Assistance Program.

**341.04 RESPONSE TO THREATS OR INTIMIDATION OF VICTIM/WITNESSES**

- A. Victims and witnesses will be advised to notify the Police Department immediately, any time they are threatened or intimidated. Appropriate assistance will be provided to any victim/witness including, but not limited to:
1. Advising the victim/witness on procedures and process for reporting, filing, and prosecuting intimidation of a witness/victim, as outlined in N.M. State Statute 30-24-3.
  2. Initiating the appropriate investigation.
  3. Advising the victim/witness of any additional services available.
- B. Police Officers will inform other agencies of threats or intimidation of a victim/witness, if necessary, when the victim/witness or suspect is located in a different jurisdiction.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

342.00

RUNAWAY/MISSING PERSONS

The Department shall investigate all missing/runaway juvenile reports and all missing adult reports.

RULES AND PROCEDURES:

342.01      MISSING PERSON REPORTS

- A. This section applies to persons who are declared emancipated as defined by State Statute and does not apply to juveniles
- B. When a missing person report is taken, it will be the initiating Police Officers responsibility to obtain the proper documentation. If it is determined that the missing person should be entered into N.C.I.C., documentation supporting the stated conditions under which the person is declared missing will be submitted with the original report. The documentation must be from a source other than the investigating law enforcement agency as follows:
  - 1. When evidence suggests that a missing person's physical safety is in danger or that the person's disappearance is not voluntary, a written statement from a parent, legal guardian, next of kin, or other authoritative source is required. The documentation must include the circumstances relating to the person's disappearance.
  - 2. If the missing person has a physical and/or mental disability, a written statement verifying the missing person's condition is required from a physician or other authoritative source, (e.g., parent, next of kin, etc.).
- C. When Civilian Information Technicians take a report over the telephone and it is determined that the missing person should be entered into N.C.I.C., the reporting person will be referred to Metro Dispatch for dispatch of a unit to take the report.
- D. Police Officers will submit any "missing person" reports to their immediate supervisor immediately. The supervisor will then be held responsible to ensure that a copy of the report has been forwarded to the Criminal Investigations Division and that either a detective on shift or the on-call detective has been notified.

342.02      ADULT MISSING PERSON INVESTIGATION

- A. The Criminal Investigations Division is responsible for investigating cases involving individuals who are defined as "adults" by State Statute.
- B. When an Officer takes an adult missing person report, it will be the responsibility of the initiating Officer to properly determine the circumstances (voluntary/involuntary, etc.) under which the person is missing and to include all pertinent facts in a complete report.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- C. If the report necessitates an N.C.I.C. entry or an "attempt to locate" broadcast, and the missing adult is not located by the end of the Police Officers shift, a report will be forwarded to the Criminal Investigations Division, immediately for a follow-up investigation. If the missing person is not located by the end of the supervisors shift they are to notify either an on duty or on call detective prior to the end of their shift.
- D. The Criminal Investigations Division investigator will have the final responsibility for the investigation of all adult missing person reports in which the missing person has not been located by the end of the initiating Police Officers shift.

342.03      JUVENILE REPORTED MISSING/RUNAWAY

- A. The Criminal Investigations Division has the responsibility for the investigation.
- B. The Officer initiating the report will forward a copy of the report to the Criminal Investigations Division. The report should include the following information:
  - 1. Child's full name given at birth.
  - 2. Child's date of birth.
  - 3. Child's city, City and state of birth.
  - 4. Mother's maiden name.
- C. Missing juveniles will be entered into N.C.I.C. as soon as N.C.I.C. regulations permit.
- D. Investigators from the Criminal Investigations Division will make PERSONAL contact with the missing child's family within two hours of notification, if the family lives in the McKinley County area.
- E. A public attempt to locate will be distributed to the local media (print, radio, and Albuquerque television) within four hours of the Criminal Investigations Divisions initial notification. The notification will include the following information:
  - 1. The most recent photograph of the child available to investigators.
  - 2. Information on the child's height and weight.
  - 3. Information on the Child's last known location.
  - 4. Information on potential destinations for the missing child.
  - 5. Identification information on any other children or adults who may be in the company of the missing juvenile.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

- F. If the reported juvenile is not located within (30) days, it will be the responsibility of the Criminal Investigation Division to notify the State Registrar at the Division of Vital Statistics.
  - 1. State Law requires all the above information be included in the report to the State Registrar.
  - 2. The Registrar will flag the child's birth certificate record.
- G. If the juvenile is located, a supplemental report will be written to cancel the original report.
  - 1. The Records Section/Report Review will remove the juvenile information from N.C.I.C.
  - 2. A copy of the report will be sent to the Criminal Investigations Division who will be responsible for notifying the State Registrar on all cancellations.

342.04      LOCAL AND IN STATE RUNAWAYS

- A. Police Officers can detain these runaways, but cannot place them in the Juvenile Detention Center.
- B. The New Mexico Children's Code does not permit Children in Need of Supervision (CHINS) to be placed in a facility that also houses persons charged with delinquent acts, unless they are out of state runaways.
- C. Police Officers encountering such runaway juveniles should attempt to notify parents or legal guardians.

342.05      OUT OF STATE RUNAWAYS

- A. Out of state runaways taken into custody by authority of an out of state law enforcement agency teletype can be taken to the Juvenile Detention Center.
- B. Out of state runaways can be detained there for a reasonable period of time until the parent(s) or guardian(s) of the runaway is notified and arrive to take custody or provide transportation for the child.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

343.00

**DESTRUCTION OF ANIMALS**

Sworn personnel shall be allowed to use physical means to end the needless suffering of injured animals encountered during the performance of their duties.

DEFINITIONS:

**DESTRUCTION**

Intentionally ending the life of an animal through the use of an approved use of force.

RULES AND PROCEDURES:

343.01      **DESTRUCTION OF ANIMALS**

- A. Sworn personnel may destroy animals which are harming or are attempting to harm the personnel, another personnel or a civilian. The personnel may do so immediately and is not required to obtain permission from a supervisor.
- B. In the event sworn personnel encounters an injured animal every attempt shall be made to obtain medical treatment for that injured animal.
- C. In the event that all efforts to obtain medical treatment fail, the sworn personnel must contact their supervisor and inform them that contact has been made with a severely injured animal.
- D. No animal is to be destroyed without the permission of a supervisor unless the animal is attacking or injuring a sworn personnel or civilian.
- E. If sworn personnel use a firearm to destroy an animal the personnel shall first confirm that the target is in a safe region. The personnel shall check the background and the surface to ensure that the projectile will strike only the injured animal. If the personnel cannot ensure that a firearm can safely be used to destroy the animal, they are not to utilize a firearm.
- F. In the event that sworn personnel are forced to destroy an animal, animal control will be notified so that the remains can be moved in a proper and expedient manner.
- G. Sworn personnel who use force to destroy an animal are to complete a written report prior to the end of the shift detailing the events leading up to the destruction of the animal, and notify the Internal Affairs Unit.

Effective date: September 15, 2004

344.00

MUTUAL AID AND JURISDICTIONAL ISSUES

The Department shall provide assistance to any agency requesting assistance as resources and safety considerations allow.

Any assistance rendered will remain consistent with established Departmental guidelines.

RULES AND PROCEDURES:

344.01      MUTUAL AID

- A. All requests for assistance by another agency will be forwarded to the Watch Commander or appropriate supervisor for review.
- B. Departmental resources and immediate safety issues will be considered prior to granting assistance. If assistance is rendered, a supervisor will be designated to oversee the Departments involvement.
- C. Should this Department request assistance from another agency the following guidelines will be followed:
  - 1. A supervisor must authorize the request for assistance.
  - 2. Departmental resources will be exhausted or a safety issue will need to be present prior to requesting assistance.
  - 3. A liaison officer will be designated from this Department and the other agency to provide coordination of effort. The liaison officers should remain at the designated command post.
  - 4. Relief for Police Officers or officers on scene will be provided for by the designated liaison officer. This will be accomplished in conjunction with the overall incident Commander.
  - 5. Personnel from different agencies may be integrated on a needed basis.
- D. If the request for assistance is in reference to a vehicle pursuit, refer to the Department policy on mutual aid and jurisdictional issues.

344.02      JURISDICTION

- A. Unless otherwise directed by a Department supervisor, all incident scenes that personnel are in physical control of will be considered to be within the Police Department jurisdiction.
- B. Containment and preservation of an incident location will be maintained until relieved by a Departmental supervisor

Effective date: May 29, 2007

345.00 UNUSUAL OCCURRENCES

In the event of unusual occurrences the Department has established the following guidelines and procedures.

345.01 RIOTS/CIVIL UNREST

- A. Once a civil disturbance has been identified, the area should be quickly sealed off and contained until the disturbance has been resolved. An unlawful assembly should be dispersed in a safe manner, if possible. Once removed, people should not be allowed to return. If applicable, officers are instructed to arrest violators who refuse to comply with lawful orders to disperse from the scene.

The on-duty supervisor will request assistance from the State Police, Sheriffs Department, and if necessary will mobilize off-duty officers to de-escalate the situation.

B. Communications

1. During an emergency, Channel One shall be designated for emergency traffic only until completion of the operation, unless supervisor designates another channel.
2. If required, the Emergency Command Post will be activated and communications established from that facility.

C. Situation Maps.

1. Situation Maps shall be maintained in the Communications Center to be used during emergency situations to visually plot the emergency area.
2. City maps or building blueprints of schools or public buildings shall be obtained and made available at the command post.

D. Scene Commander

The first officer on the scene immediately assumes command and is designated as Scene Commander until, or unless, relieved by a higher authority. It is the responsibility of the first responding officer to initiate the Seven Critical Tasks:

1. Secure Communications.
2. Identify "Kill Zone".
3. Establish Inner Perimeter
4. Establish Outer Perimeter.
5. Establish Command Post
6. Establish Staging Area(s)
7. Identify/Request Additional Resources

E. Chain of Command



Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 29, 2007

1. During emergency situation, the established chain of command using the Incident Command System shall be strictly adhered to, unless otherwise directed by the Incident Commander.
2. Other law enforcement agencies responding to aid the Department shall adhere to Incident Command System, unless otherwise directed by the Incident Commander.

F. Community Relations/Public Information

1. The purpose of effective community relations/public information is to maintain public confidence', while keeping the public informed concerning any threatening emergency situation.
2. The Department Public Information Officer is responsible to establish effective collection, control and dissemination of emergency public information, to minimize confusion, misinformation and for rumor control.
3. If the emergency is strictly a law enforcement problem, the Public Information Officer shall keep the media briefed of the emergency situation as it progresses, without jeopardizing security objectives.

G. Military Support

1. The Chief of police may request the City Manager and mayor request additional support through the New Mexico National Guard consistent with the City's Emergency Operation Plan.

H. Traffic Control

1. During civil disturbance within the city, the Department is responsible to provide traffic direction and control, including barricading off designated streets.
2. The Scene Commander is responsible to establish perimeters, sealing off the affected area, while routing traffic away from the location.

I. Equipment

1. Uniformed officers are issued equipment which should be utilized during civil unrest. These may include the following:
  - a. Helmet
  - b. ASP baton
  - c. OC Spray
  - d. Flashlights
  - e. Tasers
2. In a state of emergency, the Chief of Police is authorized to acquire additional equipment, as needed.

J. Mass Arrests

During a civil disturbance, mass arrests must be handled quickly and efficiently, providing for transportation to jail, release on summons, and arrestee constitutional rights.

1. Arrest



Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 29, 2007

- a. Before taking any immediate action, the Scene Commander shall determine how much assistance is needed to effectively execute the agency's plan.
  - b. Once the order to disperse has been given, it shall be repeated and a reasonable time limit encouraging people to leave freely.
  - c. Officers responding to a civil disturbance shall respond as an organized tactical team under the direction of a supervisor, not as individual police units.
  - d. When incidents involving mass arrests are anticipated the Chief Detention Officer will be contacted ahead of time so the jail personnel can be prepared.
  - e. If mass arrests are made, Department vehicles should be used to transport prisoners to the Gallup/McKinley Detention Center.
    1. The Sheriffs Department and State Police may be utilized to transport prisoners.
    2. If larger capacity transportation is needed the on-duty supervisor should contact one of the following to arrange for buses:
      - City of Gallup Safety Officer
      - Gallup Express
      - McKinley County School District
  - f. Prisoners will be promptly arrested and removed from the scene to the Gallup/McKinley Detention Center or other designated facility.
  - g. Officer should remember that civil disturbances are highly publicized events, whereby police actions are rigidly scrutinized by the public.
2. Booking
- a. Officers shall adhere to standard operating procedures in the booking process.
  - b. Since this type of activity may cause confusion, all venues will be utilized to ensure the identity of the individual prisoner is correct. Photographs and fingerprints shall be taken of all arrested for follow-up investigative and identification purposes.
  - c. If juveniles are involved, the JPPO will be contacted and asked to respond to the Detention Facility in order to quickly assess and recommend disposition.
  - d. The Municipal Court Judge and Court Clerk will be notified of mass arrests. Prisoners cited into Municipal Court shall be taken before the Judge as soon as possible for arraignment and bonding procedures.
  - e. Confinement of Adult prisoners will be in accordance with standard operating procedures unless otherwise directed by the Chief of Police or his designee.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: May 29, 2007

- f. Prisoners remaining in department custody will be provided with the necessary needs, such as food, water and sanitation.

3. Defense Counsel Visits

- a. Prisoners will be given the opportunity to contact legal counsel after being booked.
- b. Prisoners awaiting arraignment by the Municipal Court Judge shall be allowed to consult with legal counsel.
- c. In most cases, defense counsel visits shall be allowed consistent with state and federal laws. However, security risks may delay these visits.

4. Medical Treatment

- a. The Scene Commander will request an ambulance standby at a safe location.
- b. Prisoners requiring medical attention will be treated prior to being confined in jail.
- c. Prisoners who are seriously injured will be transported by ambulance to the hospital. Security arrangements will be made as necessary.

345.02 COORDINATION WITH CITY-WIDE DISASTER PLAN

- A. During periods of emergency, when the City of Gallup Disaster Plan has been implemented the Department coordinates its efforts utilizing the Incident Command System.

345.03 COMMUNICATIONS

- A. During periods of emergency the on-duty Communications Supervisor shall immediately notify the Communication Center director who takes charge of the Communication Center as soon as practical.

345.04 PUBLIC FACILITY SECURITY

- A. As many officers as necessary will be assigned to secure City of Gallup facilities, to include the Police department, City Hall and Municipal court.
- B. In cases of a major civil disturbance officer will be provided for security of strategic support facilities such as public utility buildings, hospital facilities, etc.

345.05 POST OCCURRENCE

- A. The Scene Commander shall direct personnel to perform such necessary duties as required to resume daily police operations.

Gallup Police Department  
\* Rules and Procedures \*

---

Effective date: May 29, 2007

- B. A debriefing will be held at the conclusion of the incident and a post incident report will be written to the Chief of Police by a designated supervisor involved in the incident, reviewing the operation and recommending any procedural changes, if necessary.
- C. Within 8 hours a Critical Incident Stress Debriefing shall be provided by the Department for those public safety personnel involved.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

346.00

**RIDE-ALONG PROGRAM**

The Department shall provide members of the community with an opportunity to observe law enforcement operations. The purpose of the program is to maintain community support for the Department by providing citizens with the realization that the Department is effectively serving the community. The program provides "Ride-Alongs" for citizens simply interested in the Department's operations, as well as Ride-Alongs Police Reserves/Cadets, civilian employees of the Department and City, and local college, university interns, and other educational institutions. It is the Department's, and therefore the assigned Police Officers, responsibility to take reasonable precautionary measures to protect the safety of persons in the Ride-Along Program. The Chief of Police, or his designee, reserves the right to deny the application.

**DEFINITIONS:**

**INTERESTED CITIZEN**

Any approved private citizen who desires to Ride-Along with a Police Officer to observe the everyday operations of the Police Department. This may include local residents, out-of-town residents, and law enforcement officers from other agencies.

**CITY OF GALLUP POLICE RESERVES**

Members of the Gallup Police Department Reserves may participate in the Ride-Along program on a predetermined basis as a function of the Reserves.

**DEPARTMENT EMPLOYEES**

Employees of the Police Department or Metro Dispatch center involved in civilian support services may be placed into training or orientation Ride-Along Programs.

**EDUCATIONAL RELATED RIDE-ALONG PROGRAMS**

All State, local community colleges, universities and other educational institutions who conduct intern educational programs for law enforcement as a part of course work and who acts as a sponsor for the event.

**FAMILY MEMBERS OR ACQUAINTANCES**

Members of a Officer's family (relatives) or acquaintances shall be allowed to participate in the Ride-Along Program with the approval of the appropriate Bureau Commander, however, they shall not be allowed to ride with a family member, or acquaintance, or patrol in the same area.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

RULES AND PROCEDURES:

346.01 INTERESTED CITIZENS

- A. Interested citizens who desire to participate in the Ride-Along Program shall be interviewed by the Bureau Commander who shall obtain an N.C.I.C. clearance, do a warrants and DMV check, and approve or disapprove the application.
- B. Once this phase of the process has been accomplished, the Bureau Commander shall ask the citizen to complete the Ride-Along Application and Waiver Forms (i.e., Hold Harmless Agreements, etc.). He or she shall then forward the forms to the Watch Commander for further review.
- C. Each application shall be approved or disapproved after review by the Watch Commander. The applicant shall have a valid reason for the Ride-Along request, have no outstanding warrants, and have no convictions for crimes that would make him or her unsuitable for the Ride-Along. For example, a history of convictions for serious felony crimes, batteries on Police Officers or weapons charges, would be grounds for denial. The assigned Officer shall require the interested party to read and sign the guideline copy provided to each participant.
- D. The Watch Commander shall have the responsibility of keeping track of the frequency of citizen Ride-Along participants. The Patrol Bureau shall also keep a record of all Ride-Along Application approvals and denials (rejections).
- E. When riding, citizens shall not wear any type of clothing that would create a perception that they are employees of the Gallup Police Department. This includes uniforms, baseball hats with the Police Department logo or patch, shirts with Police jargon, etc.

346.02 RESERVES/RANGERS/VOLUNTEER PROGRAM

- A. Reserves Ride-Alongs are regulated by the Police Departments Standard Operating Procedures Manual. Reserves are assigned to an Officer on a pre-scheduled basis by the Reserve Coordinator.



Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

346.03 DEPARTMENT EMPLOYEES

- A. Employees of other Divisions\Bureaus within the Police Department or any other City department may ride-along in a training capacity; however, a specific purpose for the ride-along must be included in the Ride-Along Application. Likewise, employees of other Police Department Divisions/Bureaus may ride-along in a formally structured training program during or after on-duty status. Employees of the Police Department or other City of Gallup departments who wish to participate in a ride-along during business hours shall be required to receive approval from their immediate supervisor before participating in the Ride-Along Program. The employee's immediate supervisor will be required to initial the application prior to it being submitted to the Bureau Commander for approval. Ride-Along Applications and Waivers shall be completed, signed, and approved prior to the employee being assigned an Officer. In some cases, these individuals may be assigned to supervisory personnel depending on the training or orientation needs as determined by the Watch Commander. As the program becomes more formalized, a lesson plan or training objectives may be designed by the Bureau training section for the Officer participating and/or the participant in the program.

346.04 EDUCATIONAL RELATED RIDE-ALONG PROGRAMS

- A. Those students in a formal intern law enforcement program or in a high school sponsored program may arrange for long term Ride-Along participation with the Police Department, however, all previously mentioned provisions apply. A file shall be kept for each individual applicant and shall include the Application, Waiver/Hold Harmless Agreement, verification of a warrants check, and the name of the assigned Officer or trainer. The file shall be maintained for three (3) years and then shall be purged in accordance with the City Retention Schedule for documents of this nature. Whenever possible, a lesson plan or objective statement shall be prepared by the involved educational institution for use by the assigned Officer or trainer. The frequency of Ride-Alongs for an intern program is not limited.

346.05 FAMILY MEMBERS OR ACQUAINTANCES

Ride-Alongs shall normally be limited to one ride-along each thirty (30) days for the individual members of an officer's family or acquaintances.

Effective date: September 15, 2004

346.06      PRECAUTIONS

In any Ride-Along situation, the primary concern of the assigned Officer or trainer is to insure the safety of the Ride-Along and the secondary concern is the training or orientation objective. The Officer or trainer shall restrict the exposure of the individual to hazardous situations such as armed subject calls, fights, etc. Normally, the Ride-Along will be expected to remain in the patrol car during any call unless directed otherwise by the Officer or trainer. In the more hazardous situations, the Officer or trainer may leave the Ride-Along at a restaurant, or other public place away from the situation, but not in a known dangerous area.

No citizen shall be allowed to participate while carrying a weapon such as a knife or firearm. This restriction also applies to "off-duty officers" from out-of-City jurisdictions. It does not apply to officers from other agencies working an assignment in conjunction with the Police Department.

346.07      RIDE-ALONG ACTIVITIES

In some cases, such as the Metro Dispatch center Ride-Along Program, specific requests to Ride-Along in a certain beat or area of the City may be accommodated.

In the case of Metro Dispatch Ride-Alongs only, the Ride-Along may be authorized to operate the radio or handi-talkie after the Officer or trainer has determined he/she is capable of doing so with proficiency.

346.08      RIDE-ALONG RESTRICTIONS (JUVENILE)

Any person, who is under the age of eighteen (18) but at least sixteen (16) years of age, shall participate in the Ride-Along program pursuant to Section III, D or E, and shall be assigned to ride along with an Officer with rank of Sergeant or above.

In addition, all items stipulated in Section III A of this S.O.P. apply and all required forms must be signed by the legally responsible parent or guardian.

Ride-Alongs shall wear appropriate apparel with a neat and clean appearance.

346.09      RIDE-ALONG WAIVER

In all categories, the Ride-Along Waiver shall be read in full by the appropriate parties and shall be signed at the bottom to acknowledge the restrictions and limitations.

In situations where the Ride-Along is a minor, his parent or guardian shall sign the waiver in the presence of sworn personnel of the Gallup Police Department. These personnel, in turn, shall sign the waiver as a witness.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 2, 2007

**347.00**

**FIELD TRAINING OFFICER PROGRAM**

The Gallup Police Department has established and maintains a Field Training and Evaluation Program for all newly appointed sworn personnel. This program is an extension of the selection process that provides a valid, post basic training and evaluation of recruit law enforcement performance. Certified Field Training Officers serve as role models to trainees in the development of skills, knowledge, and abilities necessary for the provision of effective and efficient law enforcement.

**RULES AND PROCEDURES:**

- A. The Field Training and Evaluation Program is comprised of a complete set of rules and procedures that can be accessed by contacting the Field Services Bureau Commander. The following guidelines are a condensed version, and all personnel involved in the program are responsible for compliance of all rules and procedures.
- B. All newly sworn officers must successfully complete a New Mexico Law Enforcement Academy training program or approved Satellite Training Academy prior to any routine assignment in any capacity in which the officer is allowed to carry a weapon and/or is in a position to make an arrest, except as part of a formal field training program.
- C. It shall be the policy of the Department to establish and maintain a field-training program, which shall provide all new officers with a minimum of sixteen (12) weeks of post academy training, which includes training in the Department's rules, regulations, policies and procedures regardless of their future assignment.

**347.01**

**FIELD TRAINING PROGRAM SUPERVISOR'S RESPONSIBILITIES**

- A. Field Training Officers shall be under the supervision of the Field Training Program Sergeant, who reports to the Field Services Bureau Commander, for matters relating to the Field Training and Evaluation Program.
- B. The Training and Recruiting Sergeant shall maintain a close Liaison with the Department of Public Safety Academy staff.
- C. Shall coordinate the selection process for Field Training Officers.
- D. Ensure recording of all training to include in-service training for Field Training Officers.

**347.02**

**FIELD TRAINING OFFICER RESPONSIBILITIES**

- A. The Field Training Officer (F.T.O.) shall be a sworn Officer who has met and maintained all posted qualifications for the F.T.O. Program.
- B. The F.T.O. shall be responsible for the training and evaluation of the trainee assigned by the F.T.O. Command staff.



**Gallup Police Department**  
**\* Rules and Procedures \***

Effective date: April 2, 2007

- C. The F.T.O. is the essential means by which goals of the program are achieved, specifically the production of a law enforcement officer capable of working in a solo assignment in a safe, skillful, productive, and professional manner.
- D. The F.T.O. has two primary duties;
  - 1. That of an Officer assuming full district responsibility.
  - 2. That of a trainer and evaluator of the assigned trainee.
- E. The F.T.O. shall submit daily evaluation reports, and will discuss the evaluation report with the trainee daily. This will develop strengths and correct deficiencies.
- F. The F.T.O. will be responsible for observing any training problems or deficiencies with trainee performance, and make every effort to correct these deficiencies.
- G. The F.T.O.'s personal and professional appearance and conduct should be beyond reproach.
- H. The F.T.O. may be removed from this program for documented performance deficiencies or by the Field Training Officer Board.

**347.03      TRAINEE/RECRUIT RESPONSIBILITIES**

- A. The trainee will be responsible for applying the skills, and knowledge learned in the basic academy to actual field situations.
- B. The trainee will follow the orders of the F.T.O. officers and supervisors.
- C. The trainee will discuss with F.T.O. personnel any problems, personal or professional, that have an affect on job performance.
- D. The trainee will accept all methods of training that are geared to improve standards and performance.

**347.04      OPERATIONAL PLAN**

- A. The Field Training and Evaluation program shall be divided into four steps, for a total of not less than 60 working days. The following documentation will be required for each of the first three steps:
  - 1. Daily observation reports submitted by the Field Training Officer. A total of sixty daily observation reports will be required before the trainee will be released from training.
  - 2. A monthly evaluation completed by the Field Training Officer.
  - 3. A monthly self-evaluation completed by the trainee.
  - 4. A monthly program evaluation completed by the trainee.

Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 2, 2007

**347.05**      **STEP ONE**    (20 Working Days Duration)

- A. During Step One, the trainee is expected to be active in learning the duties and responsibilities of a district Officer, and should be starting to perform a portion of the less demanding tasks at the direction of the field training officer. Introduction to driving should also take place.
- B. During this period, the Field Training Officer should make evaluations of the trainee, and identify goals or weaknesses that need to be addressed.
- C. The Field Training Sergeant should meet with the Field Training Officer and trainee to ensure that progress is being made in training the cadet. Any deficiencies should be identified and performance improvement plans or extensions arranged and put into place.
- D. The Field Training Officer will complete all applicable sections of the trainee guide during this time period. The Field Training Sergeant will meet with the Field Training Officer to ensure that the guide is being completed in a timely manner.

**347.06**      **STEP TWO**    (20 Working Days Duration)

- A. During Step Two, the trainee is expected to assume a larger portion of the workload with continued guidance from the Field Training Officer. The Field Training Officer will be expected to organize their patrol time in this phase to ensure that the trainee is exposed to a maximum number of calls/incidents.
- B. The trainee will be expected to drive the patrol vehicle a larger percentage of the time. As in the first phase, the Field Training Officer must identify goals and weaknesses which they observe, to ensure that they are addressed in a timely manner.
- C. Performance Improvement Plans and extensions will be arranged and placed into effect if necessary. At the end of this phase the trainee should be performing at 80 to 90 percent, and the guidebook should be 90 to 95 percent completed.
- D. The Field Training Sergeant will meet the Field Training Officer to ensure that the above requirements are being met.

**347.07**      **STEP THREE**    (20 Working Days Duration)

- A. The trainee will assume the majority of the workload with the guidance from the Field Training Officer. This will increase in proportion during this phase so that by the end of the fourth week, the trainee is performing 100 percent of the workload with input from the Field Training Officer only on an "as needed basis".
- B. Accordingly, the trainee must be driving the patrol vehicle the majority of the time. The guidebook must be 100 percent completed by the end of the third week of this phase, and the Field Training Sergeant must meet with the Field Training Officer and trainee to ensure that all of the requirements as outlined above are completed.



Gallup Police Department  
\* Rules and Procedures \*

Effective date: April 2, 2007

**347.08 STEP FOUR (5 Working Days Duration)**

- A. The trainee will be assigned a district in a solo field performance. The Field Training Officer will ride with the trainee in street attire, and will only observe and evaluate.
- B. Daily Observation Reports will be submitted by the Field Training Officer.
- C. The Field Training Officer will prepare a final evaluation report to be submitted to the Field Training Sergeant.

**347.09 RELEASE FROM FIELD TRAINING OFFICER PROGRAM**

- A. At the end of Step Four, the Field Training Officer and Field Training Sergeant will meet and if appropriate, a memorandum will be prepared documenting that the trainee is ready for release from the program and has met all training criteria.
- B. The trainee will be released from the Field Training Officer Program and assigned to a shift.
- C. Following release from the Field Training Officer Program, the shift supervisor where the cadet is assigned will complete quarterly evaluations for the duration of the probationary period.

**347.10 NEW MEXICO LAW ENFORCEMENT ACADEMY**

- A. The Department does not operate or maintain a Basic Training Academy. The Department's Training and Recruiting Unit does, however, review the curriculum of the NMLEA training center utilized for Police Officer Cadet training and acts as a representative for the Department.
- B. While assigned to the NMLEA Training Center, all Cadets shall be assigned to the Training and Recruiting Unit.
- C. The curriculum for all basic recruit classes is governed by New Mexico Law Enforcement Academy Board Standards, which are reviewed on an annual basis.
- D. Certification of the Recruit Officer will be in accordance with the Standards set forth by the NMLEA Board.
- E. Trainees who fail to perform at an acceptable level during Academy training may be either retrained or terminated, as directed by the Chief of Police, with recommendations of the Training and Recruiting Unit Commander.

Gallup Police Department  
\* Rules and Regulations \*

Effective date: September 15, 2004

348.00

**CHAPLAIN**

The Department shall establish a police chaplaincy to help people in crisis or traumatic situations. The purpose being to bring comfort of the Lord to those in need, regardless of the theological persuasion of those being assisted.

**RULES AND PROCEDURES:**

The law enforcement chaplain may or may not be a duly sworn law enforcement officer. He is first and foremost a person of God, duly ordained and appointed as an approved and experienced non-denominational representative; apart from any police powers the chaplain may have.

**CHAPLAIN RESPONSIBILITIES**

- A. To assist all law enforcement officers and their families upon request, in matters within his realm.
- B. Shall not, in any way, interfere with an Officer in the performance of duty.
- C. Must be available at all times when on duty. The Metro Dispatch center will be notified of the whereabouts of the chaplain, so he may be contacted at all times.
- D. Commissioned by the Police Department, he is, first of all, responsible to the agency. He will also be assisting the City of Gallup Fire Department.
- E. I.D. badge will be worn at all times when on duty, within any City facility.
- F. Will be dressed appropriately as a professional, a member of the clergy, and as a representative of the Department.
- G. Possess knowledge of the correct radio procedures, and be familiar with the resource agencies of the community and how to contact and utilize them.
- H. He will not replace the clergy of the victims' religious persuasion. He shall spend as much time as necessary with those being helped, using discretion and respecting the desires of those being served.
- I. If follow-up is needed by the chaplain or someone else, it will be noted on his report.